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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 120 OF 2016
IN
TESTAMENTARY SUIT NO. 128 OF 2015
IN
TESTAMENTARY PETITION NO. 1440 OF 2014**

Saviar Lonappan	...Plaintiff
<i>Versus</i>	
Annamma Margaret Simon	...Defendant
<i>And</i>	
The Senior Inspector of Police, R.A.K. Marg Police Station	...Respondent

Mr. G.N. Salunkhe, with Mr.J.S. Suryavanshi, for the Plaintiff.
Mr. Kalpesh J. Nansi, with Ms. Farhana Khan, for the Defendant.
Mr. Sandeep Waghmare, for Respondent No. 1.
Mr. U.S. Upadhyay, AGP, for the State.

CORAM: G.S. PATEL, J
DATED: 4th July 2016

PC:-

1. This is the Defendant's Notice of Motion seeking that the Will in question be impounded and referred to the State Hand Writing Examiner. The second prayer is to direct the Senior Inspector of Police, R.A. Kidwai Marg Police Station, Mumbai to

obtain necessary sample signatures on the Will etc. I am not inclined to grant either relief. The Defendant has already obtained a report of a hand writing expert. There is no call, at this stage, to refer the matter to the State Hand Writing Examiner.

2. I am informed that the Defendant has filed a private complaint with the police. If and when the Police act on that complaint, they will no doubt decide whether or not to get in touch with the High Court Registry on its Original Side for leave to examine the Will to complete their investigations. There is absolutely no reason for the Defendant to try and get ahead of matters at this stage.

3. This Notice of Motion is dismissed. There will be no order as to costs.

4. All contentions as to the validity of the Will are expressly kept open.

(G. S. PATEL, J.)