

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 102 OF 2012
IN
TESTAMENTARY PETITION NO. 726 OF 2012**

Suresh Manilal Mehta ...Plaintiff
Versus
Varsha Bhadresh Joshi ...Defendant

**WITH
TESTAMENTARY SUIT NO. 75 OF 2010
IN
TESTAMENTARY PETITION NO. 320 OF 2010**

Sanjay Rameshchandra Dalal & Ors. ...Plaintiffs
Versus
Varsha Bhadresh Joshi ...Defendant

**WITH
SUIT NO. 3068 OF 2011**

Varsha B. Joshi ...Plaintiff
Versus
Sanjay R. Dalal & 2 Ors. ...Defendants

**Mr. Satish J. Shah, a/w Ms. Pallavi Dalal, i/b Ms Kanchan
Pamnani, for the Plaintiffs.**
**Mr. Aloukik Pai, a/w Devendra Avhad and Mr. Tejas Luniya, i/b
Thodur Law Associates, for the Caveatrix.**

CORAM: G.S. PATEL, J
DATED: 2nd December 2016

PC:-

1. After judgment was pronounced, Mr. Shah points out that pursuant to an order dated 27th August 2014 (Mrs RS Dalvi J), the Plaintiff has borne the entire costs of the Commissioner for recording evidence. In paragraph 8 of that order, it is stated that the Plaintiff would pay the fees of the Commissioner and costs 'initially'. This clearly means that those costs would subject to the final disposal of the Suit.

2. Mr. Shah tenders a compilation of four pages, which includes costs of the Commissioner, and those of the stenographer. The total amount is Rs. 30,350/-.

3. The view I have taken and since I have decreed the Suit, it is only fair that only half these costs should be borne by the Plaintiff and the remaining half by the Defendant. There will, therefore, be a decree in the amount of Rs. 16,175/- against the Defendant as costs.

4. I have also stayed the issue of probate for six weeks from the date when the order is uploaded.

5. In view of disposal of the present Suit, the Testamentary Suit No. 75 of 2010 and a Partition Suit No. 3068 of 2011 are to be de-linked from the present Suit. The Testamentary Suit No. 75 of 2010 is to be placed for marking the Plaintiff's documents and the

Partition Suit No. 3068 of 2014 is to be listed for framing issues on 20th January 2017.

6. Inspection in those Suits is to be completed before that date.

(G. S. PATEL, J.)