

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.35 OF 2016***

in

TESTAMENTARY SUIT NO.23 OF 2009

in

TESTAMENTARY PETITION NO. 292 OF 2008

Kashinath Phndalik Keni Patil

Applicant/Plaintiff

vs

Bal Sainath Bhoir & ors

Defendants

Ms.Vinita ABhende for Plaintiff

Ms.Rajyashree Phadke for Defendants

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CORAM: K.R.SHRIRAM, J

DATE: 8 FEBRUARY 2017

P.C.

1. Ms.Vinita Bhende appearing for the applicant states that since issues have already been settled the Applicant will not press for this Notice of motion.

2. Notice of motion accordingly disposed of.

3. Despite directions passed on 13 August 2013 even today both the counsel are complaining about each other of having not given inspection of documents. More than 3 ½ years have passed.

4. As and by way of last chance and purely as an indulgence, parties are directed to file their respective Affidavit of documents, complete discovery and inspection, exchange statement of Admission and denial with reasons for denial on or before **25 February 2017**. On or before 10.3.2017 the plaintiff shall file Affidavit-in-lieu of Examination-in-Chief of the attesting witness/s and also of the Plaintiff and serve a copy thereof on defendants.

5. Stand over to **20 March 2017** for marking of documents/receiving of evidence on record on which date the Plaintiff's Advocate shall appear in Court. Since the parties had enough time from the year 2013, no further time will be granted and if these directions are not complied with, the Suit itself may get dismissed for want of prosecution.

{K.R.SHRIRAM, J}