

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***T. & I. J.*****NOTICE OF MOTION NO. 85 OF 2017****IN****TESTAMENTARY SUIT NO. 197 OF 2013****IN****TESTAMENTARY PETITION NO. 777 OF 2009****Nilima Shakti Samanta & Anr.****..... Applicants****IN THE MATTER BETWEEN****Ashim Shakti Samanta****..... Plaintiff****VERSUS****Nilima Shakti Samanta & Anr.****..... Defendants**

Ms. Debarati Nag for the Defendant Nos. 1 and 2 and for the Applicants in the Notice of Motion.

Ms. Kinjal Shah, i/b. M/s. Solomon & Co. for the Plaintiff and for the Respondents in Notice of Motion.

CORAM : R.D. DHANUKA, J.**DATED : 28th JUNE, 2017****P.C.**

By this notice of motion, the applicants (original defendants) seek an order that the defendants are entitled to cross examine Mr. Vikram Biswas and seeks permission to cross examine him.

2. Learned counsel appearing for the original plaintiff has no objection if the reliefs as claimed in prayer clause (a) of the notice of motion is granted. Statement is accepted.

3. In view of the statement made by the learned counsel for the plaintiff, notice

of motion is made absolute in terms of prayer clause (a). This court has already appointed Court Commissioner for recording evidence of the witnesses. The parties are directed to co-operate with each other and with the learned Court Commissioner for submitting report.

4. The learned Court Commissioner shall submit a report before this court after recording the evidence of the PW-5 on or before 31st July, 2017.
5. Notice of motion is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]