

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

**NOTICE OF MOTION NO.227 OF 2017
IN
TESTAMENTARY SUIT NO.187 OF 2015
IN
TESTAMENTARY PETITION NO.1550 OF 2014**

Mr. Sanjay Krishnakant Kalgutkar ... Applicant

In the matter between :

Sanjay Krishnakant Kalgutkar
And Another ... Plaintiffs

Versus
Shekhar Krishnakant Kalgutkar
And Another ... Respondents

Ms. Susmita Laware for Defendant No.1.
Mr. R.S. Raymond a/w P.A. Ayare i/b Raymond & Co. for Defendant No.2.
.....

CORAM : S.C.GUPTE, J.

DATE : 6 NOVEMBER 2017

P.C. :

The present notice of motion is taken out by original Defendant No.2/Applicant seeking an order against Defendant No.1 to proceed *ex parte* after dismissing caveat filed by Defendant No.1 for want of prosecution. It is the grievance of the Applicant that Defendant No.1 has refused to bear charges of the Court appointed commissioner for recording of evidence and is not co-operating in the matter. It is submitted that as a result, cross examination could not be completed. Learned Counsel for Defendant No.1 assures the Court that her client shall duly bear charges of

the Court commissioner and co-operate in the matter. No order is, accordingly, necessary in the notice of motion and the same disposed of with directions to Defendant No.1 to bear charges of the commissioner and co-operate in the matter.

2 Time granted to the Court Commissioner for completing recording of evidence and submitting his report is extended by a period of four months.

3 The suit to appear on board for directions after four months.

(S.C. GUPTE, J.)