

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

NOTICE OF MOTION NO.250 OF 2016

IN

TESTAMENTARY SUIT NO.6 OF 2015

Pradip K. Mathkar

....Applicant/Plaintiff

Vs.

Vilas Sharadchandra Vaidya

....Defendant/Caveator

Mr. Sunil Vasant Chaubal for applicant/ plaintiff.

Mr. Bhalchandra G. Saraf for defendant/caveator.

CORAM : K.R.SHRIRAM, J.

DATE : 5th APRIL, 2017

P.C.:

1 Mr. Chaubal, counsel for plaintiff states that he could not comply with the directions contained in the self operative order dated 18th August, 2016 because he met with an accident and he was indisposed. Infact the affidavit in support of the notice of motion also is of his own and not that of the plaintiff. Mr. Chaubal further states that he has complied with the directions contained in paragraphs 2(i), 2(ii) of the order dated 18th August, 2016. As regards paragraph 2 (iii) and 2 (iv), Mr. Chaubal states that the plaintiff does not wish to file any affidavit of documents and compilation of documents. Mr. Chaubal states that the plaintiff will be relying only upon the Will that he is propounding.

2 In view of the above, the notice of motion is allowed and accordingly disposed. Suit is restored to file.

3 Registry to accept the affidavits of evidence being filed by the plaintiff which Mr. Chaubal states will be filed in the registry today itself.

4 Stand over to 4th May, 2017 for marking of documents/ receiving evidence on record on which date plaintiff's witnesses shall remain present in court.

(K.R. SHRIRAM, J.)