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

NOTICE OF MOTION NO.48 OF 2013
IN
TESTAMENTARY SUIT NO.74 OF 2009
IN
TESTAMENTARY PETITION NO.384 OF 2009

Shyam R. Jaisingh

...Applicant

IN THE MATTER BETWEEN :

Shyam R. Jaisingh

...Plaintiff

V/s.

Mrs.Ranjana L. Nagpal & Ors.

...Defendants

Mr.Rohan Cama with Mr.Ashwin Ankhad, Ms.Soniya Putta and Mr.Rahul Soman i/b Ashwin Ankhad & Associates for the Applicant / Plaintiff.

Mr.Ishwariprasad Bagaria for the Defendant Nos.1 to 6.

CORAM : R.D. DHANUKA, J.
DATE : 10TH JULY, 2017.

P.C. :-

1. By this notice of motion, the plaintiff seeks an order to issue a commission to a Forensic Expert, who shall be appointed by this Court to inquire as to whether the thumb impressions appearing on the Will dated 3rd February, 2001 are of the same person as the person whose thumb impressions appear to be on the Deed of Gift dated 15th July, 2005.

2. Mr.Bagaria, learned counsel appearing for the defendants nos.1 to 6 on instructions states that his clients also seeks a liberty to appoint an handwriting expert who should be permitted to take inspection of the alleged Gift Deed as well as the alleged Will dated 3rd February, 2001 and to submit a report on the aspect of signatures thereon.

3. By consent of parties, the following order is passed :-

a). Both the parties are permitted to appoint separate handwriting expert for the purpose of submitting a report as desired in prayer clause (b) of the notice of motion and are permitted to take inspection and photographs of the alleged Will dated 3rd February, 2001 and the alleged Gift Deed dated 15th July, 2005 which are admittedly in the custody of the Prothonotary & Senior Master of this Court.

b). The parties are directed to inform each other about the names and other details of the handwriting expert proposed to be appointed by them in advance and also the date on which their handwriting expert may remain present before the Prothonotary & Senior Master for the purpose of taking inspection of the aforesaid two documents and if necessary photographs thereof.

c). The fees and expenses of each of the handwriting experts, if any, shall be borne by the parties respectively. The parties shall

inform the learned Prothonotary & Senior Master in advance about the visit of the handwriting experts.

d). The parties or their representatives along with their advocates are permitted to remain present in the Chamber of the Prothonotary & Senior Master for the purpose of taking inspection and photographs of the aforesaid two documents in presence of each other.

e). It is made clear that the learned Prothonotary & Senior Master shall not allow the parties to remove those documents from the custody of the Court and outside his Chamber.

f). The parties and their respective advocates shall maintain the decorum in the Chamber of the learned Prothonotary & Senior Master while taking inspection and photographs of the aforesaid two documents.

4. Mr.Cama, learned counsel appearing for the plaintiff states that his client is ready and willing to offer inspection of documents proposed to be relied upon by the plaintiff and his witness to the defendant nos.1 to 6.

5. Mr.Bagaria, learned counsel for the defendant nos.1 to 6 states that all the documents relied upon by the plaintiff are seriously disputed by his clients.

6. Place the matter on board for marking of documents

proposed to be relied upon by the plaintiff on 8th August, 2017.

7. The notice of motion is disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)