

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

**TESTAMENTARY SUIT NO. 128 OF 2015
IN
TESTAMENTARY PETITION NO. 1440 OF 2014**

Saviar Lonappan ... Plaintiff
Versus
Annamma Margaret Simon ... Defendant

**WITH
TESTAMENTARY PETITION NO. 1440 OF 2014
WITH
CAVEAT NO. 169 OF 2015
IN
TESTAMENTARY PETITION NO. 1440 OF 2014
WITH
TESTAMENTARY PETITION NO. 1682 OF 2015**

Mr. J. S. Suryavanshi for the Plaintiff.

CORAM: MANISH PITALE, J.

DATE : 20th FEBRUARY, 2024

P.C. :

. In this suit, pending since the year 2015, on 4th February, 2016, the cross-examination of the first witness of the plaintiff was completed.

2. It appears that the plaintiff intended to examine total five witnesses. While the affidavits in lieu of examination-in-chief of witness-Charles John Soans and the plaintiff himself i.e. Saviar

Lonappan, are found on record, the affidavits in lieu of examination-in-chief of Dnyeshwar Vasant Kale and Rakesh K. Gupta, are not found on the record. The Registry is directed to ensure that the affidavits in lieu of examination-in-chief of witnesses of Dnyeshwar Vasant Kale and Rakesh K. Gupta, are placed before this Court on the next date of listing.

3. The learned counsel appearing for the plaintiff informs this Court that, in the mean while, Charles John Soans has expired.

4. In that light, the learned counsel for the plaintiff submits that the plaintiff-Saviar Lonappan and the aforesaid two witnesses i.e. Dnyeshwar Vasant Kale and Rakesh K. Gupta, can be kept present on the next date of listing for further directions to be issued with regard to their cross-examination.

5. List on 19th March, 2024 (High on Board), for further directions.

MANISH PITALE, J.