

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

JUDGE'S ORDER NO. 46 OF 2018
AND
JUDGE'S ORDER NO. 41 OF 2018
IN
PETITION NO.1456 OF 2018

Hari Vishnu Shendye and anr.

...Petitioners.

Mrs. Ferzana Z. Behramkamdin I/by FZB &
Associates for the petitioners.
Mr. Najam E. Soni for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 25th February, 2019

PC :

1. Matter is placed on board under the caption of directions at the instance of the petitioners on praecipe dated 21.2.2019.
2. I have heard Mrs. Behramkamdin, learned counsel for the petitioners. I have perused the affidavit filed by Hari Vishnu Shendye dated 23.2.2018. The petitioners submitted that there are various

inconsistencies in the report submitted by the learned Court Commissioner dated 31.5.2018. The learned court commissioner was appointed by this Court by an order dated 14.3.2018 and 28.3.2018. A perusal of the affidavit dated 18.2.2019 filed by the petitioners indicates that the deponent of the said affidavit was himself present at the time of visit of the learned Court Commissioner. The averments made in the said affidavit are accepted. It is made clear that the report of the Court Commissioner stands corrected and modified and shall be read with the corrections pointed out by the petitioners in the said affidavit. Praecipe is disposed off. I have also considered the affidavit filed by the petitioner pointing out various inconsistencies. The said affidavit is also taken on record.

3. In Para No.3 of the Court Commissioner's report name of the Solicitor firm mentioned as AFB Associates shall be read as instead of FZB and Associates. The said appearance also stands corrected.

(R.D. DHANUKA, J.)