

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 92 OF 2018
IN
TESTAMENTARY SUIT NO.54 OF 2009
IN
TESTAMENTARY PETITION NO. 491 OF 2006

Atul V. Kantharia

**..... Applicant/
Defendant no.2**

IN THE MATTER BETWEEN

Jagat V. Kantharia

..... Plaintiff

VERSUS

Jayshree Jaydev S. Bhatt & Anr.

..... Defendants

Ms.Shivani Soni, i/b. Deven Dwarkadas & Partners for the Plaintiff.

Ms.Pamela N. Dalal, i/b. M/s.M.P.Vashi & Associates for the Defendant no.1.

Ms.Ankita P.Sovani, i/b. RVJ Associates for the Applicant/Original Defendant no.2.

CORAM : R.D. DHANUKA, J.

DATE : 26th NOVEMBER, 2018

P.C.

Learned counsel appearing for the applicant states that the defendant no.1 has already filed affidavit in lieu of examined in chief after deleting some of the paragraphs of the affidavit dated 2nd May,2018. Statement is accepted. In view of this position, learned counsel appearing for the applicant does not press this chamber summons. Chamber summons is accordingly disposed of as not

pressed.

2. Ms.Vaishali M.Chaudhary, advocate, c/o. Room No.39, High Court Law Library, 2nd Floor, High Court, Bombay is appointed as a Court Commissioner for recording evidence of the witness as proposed to be examined by the parties. The fees and expenses of the learned Court Commissioner shall be borne by both the parties equally subject to the further orders as may be passed by this court at the stage of passing of the decree.

3. The learned Court Commissioner is requested to submit a report insofar as defendant no.1 is concerned expeditiously. Both the parties are directed to co-operate with each other and with the learned Court Commissioner in recording the evidence and for submitting the report expeditiously.

[R.D. DHANUKA, J.]