

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 87 OF 2018
IN
TESTAMENTARY SUIT NO. 44 OF 1996
IN
TESTAMENTARY PETITION NO. 383 OF 1996**

Navin B Rathod	...Applicant
<i>In the matter between</i>	
Navin B Rathod	...Plaintiff
<i>Versus</i>	
Gangaben B Rathod & Ors	...Defendants

**Mr Yogendra M Kanchan, i/b Ms Meena Fulbandhe, for the
Plaintiffs.
Mr Paresh More, i/b SU Pandey, for Defendants Nos. 2, 3a & 3b.**

**CORAM: G.S. PATEL, J
DATED: 7th June 2018**

PC:-

1. The Motion seeks recall of an order of 24th April 2017 (KR Shriram, J) by which the evidence of PW4 was closed. The Affidavit in Support explains that PW4 could not remain present because his father at the age of 87 is ill and PW4 could not leave him unattended. The Defendants are represented and they have no

objection in principal to the recall of PW4 and for the completion of his evidence in Court as proposed by the Plaintiff. PW4 is not personally present today but I am assured that he will be present on a date that Court fixes to complete his evidence.

2. The Motion is thus allowed and the Suit itself is placed on 26th July 2018 at 3.00 pm in Court for completing the cross-examination of PW-4.

3. The Motion is disposed of in these terms. No costs.

(G. S. PATEL, J)