

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
NOTICE OF MOTION NO. 231 OF 2017  
IN  
TESTAMENTARY SUIT NO. 24 OF 1989  
IN  
TESTAMENTARY PETITION NO. 348 OF 1988**

|                         |               |
|-------------------------|---------------|
| Bhagvan Bhuramal Balani | ...Plaintiff  |
| <i>Versus</i>           |               |
| Ratna G Balani & Ors    | ...Defendants |

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**Mr Prabhu Velar**, *i/b Prabhu Velar & Associates, for the Plaintiff.*  
**Mr RV Govilkar**, *with Shaba N Khan, for the Applicants.*

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**CORAM: G.S. PATEL, J**  
**DATED: 1st March 2018**

**PC:-**

1. The Notice of Motion is misconceived and not maintainable. Prayer (b) is that Defendant No. 1(b) be permitted to adduce secondary evidence. That prayer is not pressed and correctly so.
  
2. Prayer (a) is for leave to Defendant No. 1(b) to adduce additional evidence in regard to a receipt. It cannot be done at this stage because Defendant No. 1(b) is under cross-examination. If there is any other mode or manner known both to law and to Mr

Govilkar in which this can be done, Mr Govilkar is at liberty to adopt those steps.

3. The Motion is disposed of in these terms.

4. Time to complete the cross-examination is extended by four weeks.

**(G. S. PATEL, J)**