

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3058 OF 2019

Zarin Noshir Pardiwala	..Petitioner.
V/s.	
Perviz Homi Karapatel & Ors.	..Respondents.

Mr.Rustom Pardiwala i/b. for the petitioner.

Mr.Ranbir Singh I/b. Mandar V.Sawant for respondent Nos.1 & 2.

CORAM : M.S.SONAK, J.

DATE : MARCH 26, 2019

P.C.:-

Heard Mr.Rustom Pardiwala, learned counsel for the petitioner and Mr. Ranbir Singh, learned counsel for respondent Nos.1 and 2.

2. Mr.Pardiwala, learned counsel for the petitioner seeks leave to delete respondent No.3 as her presence is not necessary for deciding the issue raised in the present petition. Leave as prayed as granted. Necessary amendment to be carried out forthwith.

3. By consent, this petition is disposed of by following order :-

a) Ms.Nita Jain, Advocate is appointed as a Commissioner to record evidence of Perviz Homi Karapatel in the context of *Will* of Keki Contractor;

- b) The evidence of Perviz Homi Karapatel will be recorded on the basis that she was summoned to give evidence in the matter by the petitioner herein;
- c) Perviz Homi Karapatel is stated to be of 89 years of age and, therefore, her evidence will have to be recorded by the Court Commissioner at her residence;
- d) The petitioner is permitted to remain present at the time of recording of said evidence, but it is made clear that the petitioner should not make any attempts to hinder the smooth progress of the evidence;
- e) The recording of evidence will be completed within a period of four weeks from today;
- f) The evidence of the petitioner which is presently in progress shall, therefore, now continue after the period of four weeks from today;
- f) This petition is disposed of in the aforesaid terms;
- g) There shall be no order as to costs;
- h) All contentions of the parties are left open.

4. All concerned to act on the basis of an authenticated copy of this order.

(M.S.SONAK, J.)