

HARSHADA H. SAWANT
(P.A.)

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

INTERIM APPLICATION NO.715 OF 2020
IN
TESTAMENTARY SUIT NO.100 OF 2016
IN
TESTAMENTARY PETITION NO.794 OF 2015

Mohan Shrikrishna Saptarshi	.. Applicant
IN THE MATTER BETWEEN:	
Mohan Shrikrishna Saptarshi	.. Plaintiff
Versus	
Ashwini Arun Pandit	.. Defendant

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- Mr. S. R. Ronghe, Advocate for Applicant / Plaintiff.
 - Mr. Abhishek Walvaikar, Advocate for Defendant.
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CORAM : MILIND N. JADHAV, J.

DATE : JULY 06, 2023

P.C.:

1. Heard Mr. Ronghe, learned Advocate for Applicant / Plaintiff and Mr. Walvaikar, learned Advocate for Defendant.

2. In the present Testamentary Suit, Plaintiff desires to lead evidence of two witnesses namely Mrs. Sucheta Ghaisas and Mr. Vedang Kale. Both the Affidavits in lieu of examination-in-chief shall be filed and served upon the Advocate for Defendant within a period of two weeks from today.

3. Mr. Ronghe, learned Advocate for the Plaintiff would submit that Affidavit of Mrs. Sucheta Ghaisas is ready whereas Affidavit of Mr. Vedang Kale is under preparation. That apart, he would submit that

Plaintiff would be referring to and relying upon the original Will of the deceased dated 11.11.1982 which has already been filed in the record of the Court.

4. Registry to verify whether the original Will is filed. Once the Affidavits of evidence of both the witnesses are filed, which shall be done on the next adjourned date, the original Will shall be marked as Exhibit by this Court.

5. Mr. Walvaikar, learned Advocate for the Defendant would submit that there are two interlocutory proceedings which have been filed by the Plaintiff namely; (i) Chamber Summons (L) No.283 of 2019, *inter alia*, seeking appointment of Court Commissioner to record the evidence of the Plaintiff's witnesses. Considering that this Court shall be passing appropriate directions on the next adjourned date to record the evidence of the Plaintiff's witnesses the said Chamber Summons stands disposed. No orders are required to be passed in the Chamber Summons at this stage. Mr. Ronghe would submit that Plaintiff's witness No.1 – Mrs. Sucheta Ghaisas is 84 years old and considering her advanced age and ailments he would request the Court to pass directions to complete her evidence at her residence at Chembur, Mumbai. Mr. Walvaikar in his usual fairness has agreed to the request made by Mr. Ronghe and in that view of the matter, once Affidavits-of-evidence of the said witnesses are filed, appropriate

directions shall be passed by this Court to complete her witness action at her residence at Chembur; (ii) Next Interim Application No.715 of 2020 has been filed by the Plaintiff for issuance of warrant against the Defendant. Considering the aforementioned order passed today, the said Interim Application stands disposed. No orders are required to be passed in the said Interim Application. Both the learned Advocates are requested by this Court to jointly give the name of the Court Commissioner on the next adjourned date.

6. Stand over to **20th July, 2023.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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