

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

NOTICE OF MOTION NO. 23 OF 2019
IN
TESTAMENTARY SUIT NO. 60 OF 2016

Rajnikant Naranbhai Patel

...Applicant

IN THE MATTER BETWEEN :

Rajnikant Naranbhai Patel

...Plaintiff

Versus

Yogeshkumar Naranbhai Patel

...Defendant

- Mr. Prashant G. Karande, for the Plaintiff.

CORAM : MANISH PITALE, J.

DATE : 24th APRIL, 2024

P. C. :

1. By this notice of motion, the plaintiff is praying for condonation of delay in complying with the directions issued in the order dated 05th May, 2016, whereby the plaintiff was directed to place on record the affidavit of attesting witnesses, evidence affidavit of the plaintiff, affidavit of documents and compilation of documents on or before 17th June, 2016. In the affidavit in support of the notice of motion, the plaintiff has stated the reasons why the directions in the said order could not be complied with. It is submitted that the aforesaid affidavits and compilation of documents are all kept ready and the same can be placed on record.

2. It is submitted that as the said affidavits were prepared

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earlier in point of time, the department may be directed to accept them as it is.

3. It would be in the interest of justice that the present notice of motion is allowed, so that the suit can proceed further.

4. Accordingly, the notice of motion is allowed in terms of prayer clause (a).

5. The department is directed to take on record the affidavits of attesting witnesses, evidence affidavit of the plaintiff and other witnesses, as also a compilation of documents without insisting upon compliance with the amended rules.

6. As regards prayer clause (b) in the notice of motion, the affidavit of the attesting witness can be taken on record and oath can be administered even through video conferencing.

7. List for further directions on **13th June, 2024**.

8. Notice of Motion stands disposed of.

(MANISH PITALE, J.)