

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

**TESTAMENTARY SUIT NO.48 OF 2016
IN
TESTAMENTARY PETITION NO.1816 OF 2015**

Aruna Ramesh Kriplani nee Aruna

Deepchand Vazirani

... Plaintiff

V/s.

Amar Deepchand Vazirani & Anr.

... Defendants

**WITH
INTERIM APPLICATION NO.3248 OF 2024**

IN

TESTAMENTARY SUIT NO.48 OF 2016

WITH

INTERIM APPLICATION NO.1954 OF 2023

IN

TESTAMENTARY SUIT NO.48 OF 2016

Adv. Sheetal Kumar a/w Rohit Zaveri, Vidhi Raichana i/by Nityoah Suneel & Associates for the Plaintiff.

Adv. Priyanka Pardeshi a/w Prakash Prabhu i/by Rita Bhatia i/by RDB Legal for the Defendants.

Aruna Ramesh Kariplani, Plaintiff in person present.

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CORAM : ARIF S. DOCTOR, J.

DATE : 26TH FEBRUARY 2025

P.C. :

Interim Application No.3248 of 2024

1. By way of the present Interim Application, the Applicant, who is Defendant No.2 in the captioned Suit, has sought the following reliefs:

- “(a) Issue a Witness Summons to the Hon. Secretary / Chairman of the Sindhi Immigrants Co-operative Housing Society Ltd at their registered office at Nichaidas Market, Little Malabar Hill, Chembur, Mumbai - 400 071, to appear before this Hon’ble Court and give evidence in this matter;*
- (b) Direct the Sindhi Immigrants Co-operative Housing Society Ltd to produce the documents listed in Annexure "A" before this Hon’ble Court;*
- (c) Grant interim and ad-interim reliefs in terms of prayers (a) and (b);*
- (d) Award costs; and*
- (e) Grant such further and other reliefs as the nature and circumstances of the case may require”*

2. The Application was opposed by Learned Counsel for the Plaintiff, who pointed out that the Testamentary Petition has been filed for Probate of the Last Will and Testament of one Ishwari Deepchand Vazirani, who is the mother of the Plaintiff and Defendant Nos.1 and 2. She submitted that the estate in question is the mother’s estate and not father’s estate and the evidence of the witness, that has now been sought to be led pertains to the father’s estate.

3. Having due regard to the submissions made today, I am at this stage considering as to whether witness should be summoned or not. I am not presently concerned with the appreciation of evidence that might be led through such witness. In my view, the Interim Application sets out sufficient cause for allowing the same. Needless to state that the original Petitioner shall be at liberty to cross-examine the said witness as also to point out that the evidence which is going to be led would be irrelevant for the purpose of the present Suit.

4. With these, the Interim Application is allowed in terms of prayer clause (a), which is reproduced above.

5. It is made clear that the cross-examination of the said witness shall be completed in one session only and no more.

6. Interim Application is accordingly disposed of.

7. Learned Counsel for the Defendants submits that her clients shall duly cooperate with the Court Commissioner and also sign the report as prepared.

8. Learned Counsel submit that Interim Application No.1954 of 2023, which is on board today, has already been disposed of. Hence, the same is removed from board.

(ARIF S. DOCTOR, J.)