

HARSHADA H. SAWANT
(P.A.)

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

INTERIM APPLICATION NO.3830 OF 2025
IN
TESTAMENTARY SUIT NO.126 OF 2021

Thiru P. Vijayakumar alias Vijaykumar
Perumalswamy Naidu .. Applicant

IN THE MATTER BETWEEN:

Thiru P. Vijaykumar alias Vijaykumar
Perumalswamy Naidu .. Deceased

Versus

Vandana Ashok Kumar and Anr. Respondents

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- Mr. Rishabh Shah a/w. Mr. Anshul Anjarlekar, Advocates i/by Plaintiff / Applicant.
 - Mr. Aditya R. Mokashi, Advocate for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 10, 2025

P.C.:

- 1.** Heard learned Advocates for respective parties.
- 2.** Interim Application seeks direction from the Court to allow the Applicant to file affidavit under Rule 384 of a person who has knowledge about the execution of the Grant.
- 3.** The Application is made in view of the fact that one of the executor was approached and he did appear in the Court but due to issue of translation his witness action was left incomplete and now the said executor is not available.
- 4.** In view of the averments made in the application in

paragraph Nos.6 to 8, Application deserves to be allowed. Opposition is expressed by Respondents who are Defendants stating that the second executor has no knowledge.

5. If that is the case the same can be proved by them in witness action by asking him appropriate questions in cross-examination. The opposition of respondent stands rejected.

6. Interim Application stands allowed in terms of prayer clause (a).

7. Affidavit is permitted to be filed within a period of four weeks from today. Reverification stands dispensed with.

8. Commissioner has already been appointed. Witness is relying on the same documents which are already filed which are exhibited previously. Hence the Court Commissioner who is appointed is directed to complete the cross examination of this witness within a period of six weeks thereafter.

9. Advocate for the Plaintiff shall coordinate with the Advocate for Defendants. The work of cross-examination be conducted in the High Court premises if required. If such an application is made to the Registry, it shall permit the same. If required, the premises of this very Court namely Court Room No.34 be utilised for conducting the cross-examination and reexamination. Report of completion of cross-

examination and reexamination be filed by the Commissioner.

10. Liberty to apply if cross-examination is completed early.

11. Interim application is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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