

sumedh

**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. Vijaykumar alias Vijaykumar Perumalswamy Naidu	... Applicant
In the matter between	
Thiru P. Vijaykumar alias Vijaykumar Perumalswamy Naidu	... Plaintiff
V/s.	
Vandana Ashok Kumar & Anr.	... Defendants

Mr. Anshul Anjarlekar i/by Raval Shah & Co. for the
Applicant.

Mr. Aditya R. Mokashi a/w. Adv. F. Shaikh for the Defendants.

CORAM : Kamal Khata, J.
DATED : 6th August 2025.

P.C.:-

1. Mentioned out of turn.
2. It was submitted by learned Advocate for the Applicant that the Application was moved merely for directions to facilitate the cross-examination of their witness before the Court Commissioner.

SUMEDH
NAMDEO
SONAWANE

Digitally
signed by
SUMEDH
NAMDEO
SONAWANE

Date:
2025.08.07
19:16:03
+0530

3. However, it now transpires that the Application is substantially contested.

4. The Learned Advocate for the Respondent submits that the witness has already been produced and also filed an affidavit. Therefore, merely because he now refuses to come for being cross-examined will not entitle the Applicant to invoke Rule 384. It is submitted that the invocation of Rule 384 of Code of Civil Procedure, 1908 is misconceived and untenable.

5. In view of the opposition, I am of the view that this is not a matter involving mere directions. It will require consideration and a proper hearing.

6. The Learned Advocates fairly concede that they will require half an hour each to advance their respective submissions.

7. Since this matter was taken up out of turn only for directions, and it now appears that it will require a hearing, I see no reason to continue with it out of turn. Accordingly, the matter is posted for hearing on 3rd September 2025.

(Kamal Khata, J.)