

*Atul*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
TESTAMENTARY SUIT NO. 10 OF 2013  
IN  
TESTAMENTARY PETITION NO. 917 OF 2011**

|                                 |               |
|---------------------------------|---------------|
| Dr. Prabhakar Bhagwan Satpute   | ...Plaintiff  |
| <i>Versus</i>                   |               |
| Shamita Sanjay Galwankar & Anr. | ...Defendants |

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**Mrs. Anjali Helekar**, *for the Plaintiff.*  
**Mr. Anish Kumar**, *i/b K. P. Tiwari & Co., for the Defendants.*

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**CORAM: G.S. PATEL, J**  
**DATED: 23rd April 2015**

**PC:-**

1. By consent, the Suit is taken up for framing issues.
2. Heard. Issues are framed and these are appended to this order.
3. The Plaintiffs shall, on or before 12th June 2015, file (i) the affidavit(s) of the attesting witness(es) (ii) the evidence affidavit of the Plaintiff; (iii) an affidavit of documents; and (iv) a compilation of documents duly indexed and paginated. Copies of each of these

will be served on the advocates for the Defendants on or before that date.

4. Suit to be listed for directions on 17th June 2015. If these directions have not been complied with by then, the suit and the petition will be dismissed on that date. On compliance with these directions as to filing, the matter will be taken up for marking of the Plaintiffs' documents and further directions on that day, the fact that it may be listed for directions on that date notwithstanding.

**(G. S. PATEL, J.)**

**ISSUES FRAMED ON 23RD APRIL 2015**

**IN**

**TETESTAMENTARY SUIT NO. 10 OF 2013**

**IN**

**TESTAMENTARY PETITION NO. 917 OF 2011**

1. Whether the Plaintiff proves that the writing dated 9th September 1986 was duly and validly executed by the deceased Vitthal Yashwant Sawant and duly and validly attested in accordance with law as the deceased's last will and testament?
2. Whether the Plaintiff proves that at the time of writing the deceased was of sound and disposing state of mind, memory and understanding?
3. Whether the Defendants prove that the alleged Will was obtained by undue influence or undue pressure?
4. Whether the Defendants prove that the alleged Will was obtained by fraud and misrepresentation?
5. What relief and what order?

**(G. S. PATEL, J.)**