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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 86 OF 2014
IN
TESTAMENTARY PETITION NO. 130 OF 2014**

Satyavan Mahadev Mestri

...Plaintiff

Versus

Neema N. Raut & Anr.

...Defendants

Mr. Bhupendra Singh, *for the Plaintiff.*

Mr. N.R. Prajapati, *for the Defendants.*

CORAM: G.S. PATEL, J

DATED: 20th January 2015

PC:-

1. By consent, the Suit is taken up and called out for framing issues. The issues are framed and these are appended to this order.
2. The Plaintiff shall, on or before 9th February 2015, file (i) 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.

3. Learned Advocate for the Plaintiff states that the two attesting witnesses both of whom are alive have declined to file evidence affidavits. Issue a witness summons to Mr. Sunil Prabhakar Parab, residing at Building No. 16, Room No. 643, Jai Bhavani Cooperative Society Limited, D.N. Nagar, Jaiprakash Road, Andheri (West), Mumbai - 400 053, returnable on 25th February 2015 at 3.00 p.m.

4. On that date, after the marking of the Plaintiff's documents, the examination in chief of the attesting witness will be taken in Court, followed by their cross-examination.

(G. S. PATEL, J.)

ISSUES FRAMED ON 20TH JANUARY 2015
IN
TESTAMENTARY SUIT NO. 86 OF 2014
IN
TESTAMENTARY PETITION NO. 130 OF 2014

1. Whether the Plaintiff proves that the last Will and testament dated 24th December 2010 of late Mahadev Raghunath Mestri was duly and validly executed in accordance with law?
2. Whether the Plaintiff proves that the Testator was of sound and disposing state of mind, memory and understanding at the time when he allegedly made his Will dated 24th December 2010?
3. Whether the Defendants prove that the Will propounded by the Plaintiff is false and fabricated?
4. Whether the Defendants prove that the deceased did not know English?
5. Whether the Defendants prove that the registration of the Will is suspicious, illegal and improper?

6. Whether the Defendants prove that the Will was obtained by the Plaintiff by fraud and undue influence?
7. Whether the Defendants prove that the Will in question is unnatural Will as alleged in paragraph 8 of the affidavit in support of the two Caveats?
8. What order and what reliefs?

(G. S. PATEL, J.)