

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 122 OF 2016
IN
CHAMBER SUMMONS (L) NO. 81 OF 2016
IN
TESTAMENTARY PETITION NO. 2071 OF 2015**

Vijay Mahendra Joshi	...Applicant
<i>In the matter between</i>	
Vijay Mahendra Joshi	...Plaintiff
<i>Versus</i>	
Ghanshyam Kamlashankar Joshi	...Defendant

Mr. Mohammed Akram, i/b A. R. Bapat, for the Plaintiff.
Ms. Neeta Solanki, i/b Kiran Jain, for the Defendant.

CORAM: G.S. PATEL, J
DATED: 22nd June 2016

PC:-

1. After some hearing, Mr. Akram seeks leave to withdraw the Motion which is for discharge of the Caveat. The Notice of Motion is dismissed as withdrawn. All contentions by the Petitioner are expressly kept open to the final hearing of the Suit.
2. By consent, the Suit (yet to be renumbered) is taken up for framing issues.

3. Heard. Issues are framed and these are appended to this order.

4. The Plaintiff shall, on or before 22nd July 2016, 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 Defendant on or before that date.

5. Suit to be listed for directions on 5th August 2016. 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 Plaintiff's 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 22ND JUNE 2016

TESTAMENTARY PETITION NO. 2071 OF 2015

1. Whether the Plaintiffs prove that the writing dated 26th March 2001 was duly and validly executed and attested in accordance with law as the last Will and Testament of the deceased, Mahendra Kamlashankar Joshi?
2. Whether the Plaintiff proves that at the time of the said alleged Will, the deceased was of sound and disposing state of mind, memory and understanding?
3. Whether the Defendant proves that the alleged Will is forged and fabricated?
4. Whether the Defendant proves that the alleged Will is unnatural?
5. What reliefs and what orders?

(G. S. PATEL, J.)