

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO.186 OF 2016
IN
TESTAMENTARY SUIT NO.72 OF 2008
IN
TESTAMENTARY PETITION NO. 565 OF 2007**

Paresh Karsandas Toprani and Others ...Plaintiffs
Versus
Jayshree Dinesh Toprani and others. ...Defendants

Mr. Rushabh Thakkar, *i/b Y.M. Jain for the Plaintiffs.*
Mr. Sanjay Manek, *for the Applicants / Defendants.*

CORAM: G.S. PATEL, J
DATED: 14th September 2016.

PC:-

1. At the request of Mr. Manek for the Defendants, Notice of Motion No.186 of 2016 in Testamentary Suit No.72 of 2008 is dismissed as withdrawn.
2. By consent, the Testamentary Suit is taken up for framing issues. Heard. Issues are framed and these are appended to this order.

3. On or before 14th October 2016, the Plaintiffs will file (i) their Affidavits of documents (ii) compilation of documents and (iii) the Affidavit in lieu of Examination-in-Chief of at least one attesting witness and (iv) at the option of the Plaintiffs, the Affidavit in lieu of Examination-in-Chief of the Plaintiffs.

4. If these directions have not been complied with by then, the Suit and the Petition will be dismissed for non-prosecution. On compliance with these directions as to filing, the matter will be taken up for marking of the Plaintiffs documents and further directions for trial on 25th October 2016, notwithstanding that it may be listed for directions on that day.

(G. S. PATEL, J.)

ISSUES FRAMED ON 14TH SEPTEMBER 2016

TESTAMENTARY SUIT NO.72 OF 2008

IN

TESTAMENTARY PETITION NO. 565 OF 2007

1. Whether the Plaintiffs prove that the Will dated 19th June 1997 was duly and validly executed and attested in accordance with law as the last Will and Testament of the deceased, Dinesh Karsandas Toprani?
2. Whether the Plaintiffs prove that at the time of the said writing the testator was of sound and disposing state of mind, memory and understanding?
3. Whether the Defendants prove that the alleged Will is a forged, fabricated and got up document?
5. What relief and what order?

(G. S. PATEL, J.)