

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**CHAMBER SUMMONS NO.72 OF 2017
IN
TESTAMENTARY SUIT NO.55 OF 2017
IN
TESTAMENTARY PETITION NO.1379 OF 2016**

Chandrakant Nagardas Solanki .. Applicant

In the matter between

Chandrakant Nagardas Solanki .. Plaintiff

Vs.

Chandrashekhar Balkrishna Kothari & Ors. .. Defendants

Ms.Vidhi Patel i/by M/s.MV Law Partners for the applicant.

Ms.Rachana Kapasi Shah i/by M/s.Priminta Kapasi & Co. for the defendants.

CORAM : R.D. DHANUKA, J.

DATE : 11th July 2017

P.C. :

. After hearing of the parties, the following issues are framed:-

- (i) Whether the plaintiff proves that the writing dated 19th August 1987 was duly and validly executed and attested in accordance with law as the last Will and Testament of the deceased, Ashaben Balkrishna Kothari ?
- (ii) Whether the plaintiff proves that the writing dated 9th April 1997 was duly and validly executed and attested in accordance with law as the Codicil to the last Will and Testament of the deceased, Ashaben Balkrishna Kothari ?
- (iii) Whether the defendants prove that the alleged Will and the Codicil to the said Will were obtained by force, coercion, fraud or duress ?

- (iv) Whether the defendants prove that the alleged Will and the Codicil are false, bogus, set-up, concocted and illegal documents ?
- (v) What reliefs and what order ?

2. The plaintiff is directed to file a list of witnesses, affidavit of documents, compilation of documents and affidavit in lieu of examination-in-chief of the attesting witness within four weeks from today and shall serve a copy thereof upon the defendant's advocate simultaneously.

3. The defendants shall file statement of admission and denial of the documents, if any, to be relied upon by the witnesses of the plaintiff within two weeks thereafter.

4. Chamber summons is disposed of in aforesaid terms. No order as to costs.

5. Place the testamentary suit on board for 'marking of the documents' after eight weeks.

R.D. DHANUKA, J.