

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

**NOTICE OF MOTION NO.236 OF 2016
IN
TESTAMENTARY SUIT NO.139 OF 2014
IN
TESTAMENTARY PETITION NO.724 OF 2014**

Pravinbhai Babaldas Shah)....Plaintiff/applicant

V/s.

Rajendrabhai Mangaldas Shah & Ors.)....Defendants

Ms.Vijaya S.Ingule i/by Sean Wassoodew for the plaintiff/applicant.

Mr.Ranjeev Carvalho i/by Sanjay Gawde for defendants.

**CORAM : K.R.SHRIRAM,J
DATE : 11.1.2017**

P.C.:-

TESTAMENTARY SUIT NO.139 OF 2014

1 The following issues arise in the suit.

ISSUES

(1) Does the plaintiff prove that the Will dated 13th August, 2004 executed by late Anandiben M.Shah is genuine and is duly attested ?

(2) Does the defendant no.1 prove that the Will dated 13th August, 2004 executed by late Anandiben M.Shah is forged and fabricated ?

(3) Does the defendant no.1 prove that the Will dated 13th August, 2004 executed by late Anandiben M.Shah

was not executed by the deceased of her own free will and wishes, but was executed under undue pressure and influence exercised by the petitioner/plaintiff ?

(4) What decree ? What order ?

2 Parties to file their respective affidavit of documents and complete discovery and inspection and exchange statement of admission and denial with reasons for denial within three weeks. On or before 10.2.2017 the plaintiff to file list of witnesses and affidavit in lieu of examination-in-chief together with compilation of documents and serve copy thereof upon the defendants. Suit be listed on 20.2.2017 for receiving plaintiff's evidence on record/markings of documents on which date plaintiff's first witness shall remain present in court.

3 Ms.Vijaya Ingule for the applicant states that in view of the above order, nothing survives in the Notice of Motion No.236/2016. Notice of Motion No.236/2016 accordingly disposed.

(K.R.SHRIRAM,J)