

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 120 OF 2018
IN
TESTAMENTARY PETITION NO. 1271 OF 2014**

Sagar S Pawar ...Plaintiff
Versus
Saraswati K Pawar ...Defendant

**WITH
MISCELLANEOUS PETITION NO. 118 OF 2014
IN
TESTAMENTARY PETITION NO. 845 OF 2012**

Ms Ankita Singhania, *with Mr Saif Dingankar & Mr Jay Vakil, i/b
LJ Law, for Respondent.*

**CORAM: G.S. PATEL, J
DATED: 21st September 2018**

PC:-

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

2. The Plaintiff shall, on or before 15th October 2018 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 Defendants on or before that date.

3. Discovery and inspection is to be completed and statements of admission and denial are to be exchanged on or before 24th October 2018.

4. There will be no extension of time. In default of compliance, the suit and petition will stand dismissed without further reference to the Court.

5. On the Plaintiff complying with these directions, the matter will be taken up for marking of the Plaintiffs' documents and further directions on 26th October 2018 irrespective of the caption under which the matter appears.

Miscellaneous Petition No. 118 of 2014.

6. In view of this, the Miscellaneous Petition does not survive and the same is disposed of accordingly. No costs.

(G. S. PATEL, J.)

ISSUES FRAMED ON 21ST SEPTEMBER 2018

TESTAMENTARY SUIT NO. 120 OF 2018

IN

TESTAMENTARY PETITION NO. 1271 OF 2014

1. Whether the Plaintiff proves that the writing dated 7th October 2002 was duly and validly executed and attested in accordance with law as the last Will and Testament of the deceased, Kashiram Bhiva Pawar?
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?
4. Whether the Defendant proves that the alleged Will is fabricated and got up document?
5. What reliefs and what orders?

(G. S. PATEL, J)