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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 193 OF 2017
IN
TESTAMENTARY SUIT NO. 93 OF 2011
IN
TESTAMENTARY PETITION NO. 668 OF 2011**

Nisha Prakash Chawla & Anr	...Plaintiffs
<i>Versus</i>	
Dilip Vashu Chawla & Ors	...Defendants

Mr Herbert Noronha, for the Applicant/Defendant No. 3.

**CORAM: G.S. PATEL, J
DATED: 31st January 2018**

PC:-

1. The Notice of Motion is thoroughly misconceived. It seeks prosecution of the Plaintiffs on the ground that Will they seek to propound is forged and also to dismiss the Testamentary Petition (now being tried as a Suit) for want of registration of the Will.

2. The Applicant is the 3rd Defendant. He will undoubtedly have his opportunity to disprove the Will being propounded by the Plaintiffs. The trial cannot be pre-empted in this fashion nor can a Court presume that there are offences of the kind alleged by the

Applicant. Similarly, there is no question of a Will being compulsorily registered. The 3rd Defendant must await his turn in the trial.

3. The Notice of Motion is dismissed. No costs.
4. List the Suit for framing issues on 28th February 2018.

(G. S. PATEL, J)