

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 97 OF 2017
IN
TESTAMENTARY PETITION NO. 2080 OF 2016
WITH
NOTICE OF MOTION NO. 226 OF 2017**

Annahita Zarir Desai	...Plaintiff
<i>Versus</i>	
Roshan Homi Choksey & Anr	...Defendants

Mr A Davar, *with Rishabh Seth, i/b Bodhanwala & Co., for the Plaintiff/Applicant.*

Mr Siddharth Chandrashekhar, *i/b Suresh Chadrashkekhar & Ms Li Shu Jen, for the Defendants.*

CORAM: G.S. PATEL, J
DATED: 19th April 2018

PC:-

NOTICE OF MOTION NO. 226 OF 2017

1. After some arguments, Mr Davar on behalf of the Plaintiff seeks leave to withdraw the Notice of Motion. The Notice of Motion is dismissed as withdrawn. There will be no order as to costs.

Testamentary Suit No. 97 of 2017:

2. The Petition has already been renumbered as Testamentary Suit.
3. At the joint request of the parties, it is taken up forthwith for framing issues and further directions as to trial.
4. Heard. Issues are framed and these are appended to this order.
5. The Plaintiff shall, on or before 22nd June 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. Discovery and inspection will be completed on or before 2nd July 2018.
6. There will be no extension of time. In default of compliance, the suit and petition will stand dismissed without further reference to the Court.
7. On the Plaintiff complying with these directions, the matter will be taken up for marking of the Plaintiffs' documents and further directions on 12th July 2018, irrespective of the caption under which the matter appears.

(G. S. PATEL, J.)

ISSUES FRAMED ON 19TH APRIL 2018
TESTAMENTARY SUIT NO. 97 OF 2017
IN
TESTAMENTARY PETITION NO. 2080 OF 2016

1. Whether the Plaintiff proves that the writing dated 30th March 2005 was duly and validly executed and attested in accordance with law as the last Will and Testament of the deceased, Sheroo Jal Cooper?
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 Defendants prove that the alleged Will is forged?
4. Whether the Defendants prove that the alleged Will is fabricated and bogus?
5. Whether the Defendants prove that the alleged Will is unnatural?
6. Whether the Defendants prove that the alleged Will was obtained by undue influence and coercion?
7. What reliefs and what orders?

(G. S. PATEL, J.)