

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 228 OF 2017**

Lata Mohan Talcherkar ...Petitioner
And
Pramodini Manohar Patkar ...Deceased

TESTAMENTARY PETITION NO. 1412 OF 2018

WITH

CAVEAT (L) NO. 218 OF 2018

Yogesh S/o Ramesh Talcherkar & Anr ...Petitioners
And
Lata Mohan Talcherkar ...Caveator

**Mr Mithilesh Pandey, i/b Jagdish N Jayale, for the Petitioner.
Mr Pravin Dhanawde, for the Caveator**

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

PC:-

TESTAMENTARY PETITION NO. 1412 OF 2018:

1. Registry is directed to renumber the Testamentary Petition No. 1412 of 2018 as a Testamentary Suit.

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

3. The Plaintiffs shall, on or before 28th September 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.

4. Discovery and inspection is to be completed and statements of admission and denial are to be exchanged on or before 12th October 2018.

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

6. On the Plaintiff complying with these directions, the matter will be taken up for marking of the Plaintiffs' documents and further directions on 19th October 2018, irrespective of the caption under which the matter appears.

TESTAMENTARY PETITION NO. 228 OF 2017:

7. By this Petition, Lata Mohan Talcherkar (Caveator in Testamentary Petition No. 1412 of 2018) seeks to propound an earlier Will dated 28th October 2013 of Pramodini Manohar Patkar.

This Petition will, therefore, have to await the outcome of Testamentary Petition No. 1412 of 2018.

(G. S. PATEL, J.)

ISSUES FRAMED ON 31ST AUGUST 2018
TESTAMENTARY PETITION NO. 1412 OF 2018
WITH
CAVEAT (L) NO. 218 OF 2018

1. Whether the Plaintiff proves that the writing dated 10th March 2016 was duly and validly executed and attested in accordance with law as the last Will and Testament of the deceased, Pramodini Manohar Patkar?
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 fabricated and fraudulent?
4. What reliefs and what orders?

(G. S. PATEL, J)