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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
CHAMBER SUMMONS NO. 5 OF 2018
IN
TESTAMENTARY SUIT NO. 198 OF 2017
IN
TESTAMENTARY PETITION NO. 403 OF 2015**

Yashpal Dhawan ...Plaintiff
Versus
Vinod Kumar Dhawan & Ors ...Defendants

Mr RL Gonsalves, i/b Eventa A Gonsalves, for the Plaintiff.
Mr S Shaikh, i/b SB Legal, for the Defendants.

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

PC:-

1. The Chamber Summons seeks directions. Rather than merely make an order of discovery and inspection, I believe the progress of the matter can be accelerated.
2. Heard. Issues are framed and these are appended to this order.

3. The Plaintiffs shall, on or before 28th March 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. Suit to be listed for directions on 4th April 2018. If these directions have not been complied with by then, the suit and the petition will be dismissed on that date. On compliance with these directions as to filing, the matter will be taken up for marking of the Plaintiffs' documents and further directions on that day, the fact that it may be listed for directions on that date notwithstanding.

(G. S. PATEL, J.)

ISSUES FRAMED ON 21ST FEBRUARY 2018

TESTAMENTARY SUIT NO. 198 OF 2017

IN

TESTAMENTARY PETITION NO. 403 OF 2015

1. Whether the Plaintiffs prove that the writing dated 14th December 2004 was duly and validly executed and attested in accordance with law as the last Will and Testament of the deceased, Melaram Gurdasmal Dhawan?
2. Whether the Plaintiffs prove 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?
4. Whether the Defendant proves that the alleged Will is fraudulent?
5. Whether the Defendant proves that the alleged Will was procured by undue influence?
6. Whether the Defendant proves that the Petitioner has accepted that deceased died intestate?
7. What reliefs and what orders?

(G. S. PATEL, J.)