

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 7 OF 2022
IN
TESTAMENTARY PETITION NO. 1477 OF 2021**

Ramesh Bhuromal Harpalani (since deceased)		
Jyoti Vishnu Khatri	...	Plaintiff
vs.		
Geeta Prabhu Motwani	...	Defendant/Caveatrix
and		
Menghraj Hassanand Keswani	...	Deceased

**WITH
INTERIM APPLICATION NO. 3689 OF 2022
WITH
INTERIM APPLICATION NO. 2076 OF 2023
IN
TESTAMENTARY SUIT NO. 7 OF 2022**

Mr. Aditya Pimple a/w. Mr. Kunal Chheda for plaintiff.

S. P. Trivedi a/w. Mr. Sandeep M. Hirvadekar, i/b. A. Bharat & Co. for defendant/caveatrix.

**CORAM : MANISH PITALE, J.
DATE : 28th FEBRUARY, 2024**

P.C. :

. Heard learned counsel for the parties on the question of framing of issues.

2. This Court has perused the pleadings on record, including the affidavit in support of the caveat. Following issues are framed:

(i) Whether the plaintiff proves that the Will dated 25.03.2021 was a validly executed last Will and testament of the deceased?

- (ii) Whether the plaintiff proves that at the time of execution of the said Will, the deceased was of sound state of mind, memory and understanding?
- (iii) Whether the defendant proves that the Will is a false, bogus and fabricated document?
- (iv) Whether the defendant proves that the Will was executed under undue influence and coercion?
- (v) What order?

3. The plaintiff shall now place on record her list of witnesses, affidavits in lieu of examination-in-chief of the witnesses, affidavit of documents and compilation of documents within five weeks from today.

4. The learned counsel for the defendant shall keep statement of admission and denial ready on the next date of hearing.

5. List for further directions on 05.04.2024.

Interim Application No.2076 of 2023:

. This application is wrongly on board as it was already disposed of by order dated 26.07.2023.

Interim Application No.3689 of 2022:

. This is an application filed on behalf of the defendant/caveatrix seeking interim orders, including injunction and appointment of Court Receiver.

2. The present suit arises out of a probate petition and hence, considering the jurisdiction of the probate Court, such prayers for grant of interim reliefs, cannot be entertained.
3. On this sole ground, the application is dismissed.

(MANISH PITALE, J.)

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