

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION (L) NO. 1936 OF 2025
IN
TESTAMENTARY SUIT NO. 55 OF 2023**

Seema Ashok Chhabra ...Applicant/Plaintiff

Versus

Rajender Krishankumar Chhabr ...Caveator/Defendant

**WITH
INTERIM APPLICATION NO. 824 OF 2024
WITH
INTERIM APPLICATION (L) NO. 6620 OF 2025(NO.6)**

Adv. K. T. Kukreja i/b Arvind F. M. for the Petitioner/Plaintiff.

Adv. Asim Parve i/b Shoaib Memon for the Defendant

CORAM : ARIF S. DOCTOR, J.

DATE : 11TH MARCH, 2025

P.C. :

INTERIM APPLICATION (L) NO. 1936 OF 2025.

1. By way of present amendment, the Plaintiff simply seeks to add the following:

“The Petitioner shall crave leave to refer to and rely upon all the papers and proceedings including orders passed in Short Cause Suit No.622 of 2020 filed in Bombay City Civil Court at Dindoshi Branch, Borivali”

2. The Suit is at a pretrial stage, the amendment is entirely formal in

nature and does not in any manner prejudice the Defendant. Furthermore, the Defendant shall have the liberty to file an additional amendment. Hence, in view of the above, captioned Interim Application is allowed in terms of prayer clause (a) which reads thus:

“ That the Hon’ble Court be pleased to condone the delay of about 1304 in carrying out amendment”

3. Amendment is to be carried out within a period of two weeks from today.

4. Defendant is at liberty to file an additional written statement to the amendment made within a period of four weeks from the date on which the copy is served upon him.

5. Re-verification is dispensed with.

INTERIM APPLICATION (L) NO. 6620 OF 2025.

6. By consent the Interim Application is taken on board. The Interim Application seeks condonation of delay in filing the Additional Affidavit in respect of the Caveat. Learned Counsel for the Plaintiff very fairly does not oppose. Hence, the Interim Application is allowed.

7. At this stage, the parties have today tendered draft issues.
8. The Court after considering the same frames the following issues:

ISSUES

- I) Whether the Plaintiff proves that the Will dated 24th November, 2012 is the last Will and Testament of Krishankumar Badridas Chhabra (deceased)?
- II) Whether the Plaintiff proves that the Will dated 24th November, 2012 has been executed in accordance with the provision of the Indian Succession Act, 1925?
- III) Whether the Defendant proves that the Will propounded by the Plaintiff dated 24th November, 2012 is a fabricated Will?
- IV) What Decree/Order?
9. Learned Counsel for the Plaintiff submits that the following shall be complied with within a period of three weeks from today.
10. Parties are directed to file their respective Affidavits of Documents on or before 18th March 2025, to exchange the Statement of Admission and

Denial on or before 24th March 2025, and to file list of witnesses and Affidavit in lieu of Examination in Chief of the Plaintiff's first witness together with compilation of documents with copy to be served upon the Defendants on or before 28th March 2025.

11. List the matter on 1st April, 2025 for direction.

(ARIF S. DOCTOR, J.)