

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO.64 OF 2024
IN
TESTAMENTARY PETITION NO.1941 OF 2021**

Gautam Ram Ahuja] **Plaintiff**

Vs.

Ravi Ram Ahuja] **Defendant**

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Mr. Vaibhav Charalwar A/W Ms. Supriya Lopes and Ms. Feroza Bharucha i/b M/s. Rashmikanth and Partners, for Plaintiff.

Ms. Archana Khan, for Defendant.

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CORAM : ARIF S. DOCTOR, J.

DATE : 15th APRIL, 2025.

P.C.

1. Parties today sought recasting of issues.

2. Vide order dated 25th March, 2025, this Court deleted Issue No.2

framed on 18th March, 2025, which reads as under;

“ii. Whether the Plaintiff proves that the deceased was in a sound and disposing state of mind at the time when the document dated 12th November, 2020 was executed?”

Aforesaid issue was deleted since it was pointed out that the defendant was not pressing the said issue. Today, learned Counsel appearing on behalf of the defendant submits that the defendant has taken a specific plea of deceased not being “medically fit” on the date when the said will was executed and thus submits that issue No.2 has been incorrectly deleted.

3. After hearing the Counsel, issues are now recast as follows;

i. Whether the Plaintiff proves that the document dated 12th November, 2020 is the last Will and Testament of Mr. Ramchand Chhugalal Ahuja (the deceased)?

ii. Whether deceased was in a sound and disposing state of mind when the document dated 12th November, 2020 was executed?

iii. Whether the defendant proves that the deceased was “medically unfit” on the date when the said Will was executed?

iv. Whether the Plaintiff proves that the said Will was duly executed in accordance with the provisions of the Indian Succession Act, 1925?

v. Whether the Defendant proves that the said Will has been obtained by undue influence or coercion?

[ARIF S. DOCTOR J.]