

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION

TESTAMENTARY SUIT NO. 3 OF 1998

IN

TESTAMENTARY PETITION NO. 531 OF 1995

J. G. D'souza & anr. ...Plaintiffs.

Vs.

Nen. Murzello and anr. ...Defendants.

Ms.F.V.Geyer i/b. Mr. Denzil D'mello for the Plaintiffs.

Mr.Chetan Shah i/b. Mr.VY.San glikar for the Defendants.

CORAM :- ANOOP V. MOHTA, J.

DATED :- 23rd February, 2010.

P.C.-

1 By consent, the following issues are framed:

- (1)Do the plaintiffs prove the due execution of the Will of the deceased dated 10.3.1990?
- (2)Do the defendants prove that the deceased had become mentally unsound since 1989-90?
- (3)Do the defendants prove that the signatures on the Will of the deceased dated 10.3.1990 are forged?
- (4)Do the defendants prove that the Will was executed by exerting undue influence and coercion?
- (5)Are the plaintiffs entitled to Probate of the Last Will & Testament of the deceased dated 10.3.1990?

(6)What order?

2 Liberty is granted to the parties to apply for modification and/or for framing additional issues, if any.

3 The parties to file affidavit of documents and to exchange notice to admit the documents, if any. The parties to consider to appoint Commissioner to record evidence.

4 S. O. to 6.4.2010.

(ANOOP V. MOHTA, J.)