

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

TESTAMENTARY SUIT NO. 5 OF 2023

IN

TESTAMENTARY PETITION NO. 115 OF 2021

Zankhana Pankaj Patel

...Plaintiff/Petitioner

Versus

Siddhesh Rajesh Patel & Anr.

...Defendants

Mr. Rajkumar Mishra i/b Shakti Deengar for the Plaintiff/Petitioner.

Mr. Sandeep Waghmare for Defendant No. 1.

CORAM : ARIF S. DOCTOR, J.

DATE , 13TH MARCH 2025

P.C. :

1. The parties have today tendered draft issues.
2. The Court after considering the same frames the following issues:

ISSUES

- i. Whether the Plaintiff proves that the writing dated 5th July, 2016 is the last Will and Testament of one Vidyaben Champaklal Patel (deceased)?
- ii. Whether the Plaintiff proves that the writing dated 5th July, 2016 has been executed in accordance with the provisions of the Indian Succession Act, 1925?

iii. Whether the Plaintiff proves that the Plaintiff is entitled to administer the estate of the deceased in accordance with the writing dated 5th July, 2016?

iv. Whether Defendant No. 1 proves that the writing dated 5th July, 2016 is fabricated?

v. Whether Defendant No. 1 proves that Defendant No. 1 is entitled to the shares in the estate of the deceased.

3. Learned Counsel for the Plaintiff submits that the Plaintiff shall lead the evidence of himself and following two witnesses:

- i) Hiten B. Talati
- ii) Hemant N. Patel

4. The following directions are therefore issued.

5. Parties are directed to file their respective Affidavits of documents on or before 27th March 2025, to exchange the Statement of Admission and Denial on or before 09th April 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 15th April 2025.

6. List the matter on 24th April, 2025 for marking of documents.

(ARIF S. DOCTOR, J.)