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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 9 OF 2014
IN
TESTAMENTARY PETITION NO. 409 OF 2013
WITH
CAVEAT NO. 13 OF 2014
AND
CAVEAT NO. 56 OF 2015**

Dinaz Jimmy Damania & Others ...Plaintiffs
Versus
Coomi N. Dubash & Another ...Defendants

Ms. Daphtary Ferreira, for the Plaintiffs.
Mr. A. Cardozo, i/b Little & Co., for Defendant No. 1.
Mr. Rohaan Cama, with Mr. Netaji Gawade, i/b Sanjay Udeshi & Co., for Defendant No. 2.

CORAM: G.S. PATEL, J
DATED: 7th June 2016

PC:-

1. There are two Caveats. The first is filed by one Mahinoor F. Desai and the second is filed by Dr. Coomi N. Dubash.
2. Heard. Issues are framed and these are appended to this

order.

3. The Plaintiffs shall, on or before 1st July 2016, file (i) the affidavit(s) of the attesting witness(es) (ii) the evidence affidavit of the Plaintiff; (iii) an affidavit of documents; and (iv) a compilation of documents duly indexed and paginated. Copies of each of these will be served on the advocates for the Defendants on or before that date.

4. Suit to be listed for directions on 8th July 2016. If these directions have not been complied with by then, the suit and the petition will be dismissed on that date. On compliance with these directions as to filing, the matter will be taken up for marking of the Plaintiffs' documents and further directions on that day, the fact that it may be listed for directions on that date notwithstanding.

(G. S. PATEL, J.)

ISSUES FRAMED ON 7TH JUNE 2016
TESTAMENTARY SUIT NO. 9 OF 2014
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1. Whether the Plaintiffs prove that the writing dated 1st September 2008 and additional writings dated 8th May 2009 and 12th March 2010 were duly and validly executed and attested in accordance with law as, respectively, the last Will and Testament, first codicil and second codicil of the deceased, Nariman Dubash?
2. Whether the Plaintiffs prove that at the time of the said writings, the deceased was of sound and disposing state of mind, memory and understanding?
3. Whether the Defendants prove that the alleged Will and two codicils were obtained by coercion and undue influence?
4. Whether the Defendants prove that the alleged Will and two codicils have been obtained by fraud?
5. Whether the Defendants prove that the alleged

Will and two Codicils are forged?

6. Whether the 1st Defendant proves that she has a caveatable interest?
7. What reliefs and what orders?

(G. S. PATEL, J.)