

Sharayu.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 5 OF 2005
IN
TESTAMENTARY PETITION NO. 226 OF 2004
ALONG WITH
CHAMBER SUMMONS NO. 11 OF 2008**

Smt. Cecilia Reynold D'Souza & Ors. ...Plaintiffs
Versus
Mrs. Ruby Cyril D'Souza & Ors. ...Defendants

Mr. Satish Ingle, i/b Ms. Eventa Gonsalves, for the Plaintiffs.
Mr. Clive D'Souza, for the Defendants.

CORAM: G.S. PATEL, J
DATED: 30th March 2015

PC:-

1. Heard. Issues are framed and these are appended to this order.
2. The Plaintiffs shall, on or before 20th April 2015, 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.

3. Suit to be listed for marking Plaintiffs' documents on 29th April 2015. 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 30TH MARCH 2015

TESTAMENTARY SUIT NO. 5 OF 2005

IN

TESTAMENTARY PETITION NO. 226 OF 2004

1. Whether the Plaintiffs prove that the writing dated 16th April 1994 was duly and validly executed in accordance with law by John Dominic D'Souza as his last Will and testament?
2. Whether the Plaintiffs prove that at the time of said writing the deceased was of sound and disposing state of mind, memory and understanding?
3. Whether the Defendants prove that the alleged Will is false and fabricated?
4. Whether the Defendants prove that the alleged Will was procured by undue influence?
5. Whether the Defendants prove that the alleged Will is unnatural?
6. What Relief and what Order?

(G. S. PATEL, J.)