

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****T. & I. J.****PETITION NO. 125 OF 2008**

<b>Smt.Kailash Kaur Nanda</b>	<b>..... Deceased</b>
<b>Ayesha alias Rena Effendi</b>	<b>..... Petitioner</b>
<b>VERSUS</b>	
<b>Jasjit Singh Nanda</b>	<b>..... Caveator</b>

**AND****PETITION NO. 719 OF 2008****TESTAMENTARY SUIT NO. 4 OF 2009**

<b>Smt.Kailash Kaur Nanda</b>	<b>..... Deceased</b>
<b>Jasjit Singh Nanda</b>	<b>..... Petitioner</b>
<b>VERSUS</b>	
<b>Ayesha alias Rena Effendi</b>	<b>..... Caveatrix/Defendant</b>

Ms.Kainaz Irani for the Petitioner in Petition No. 125 of 2008.

**CORAM : R.D. DHANUKA, J.****DATED : 4<sup>th</sup> FEBRUARY, 2014****P.C.**

None for the caveator when the matter was called out. After hearing the learned counsel appearing for the plaintiff/petitioner, following issues are framed :-

**ISSUES**

1. Whether the petitioner/plaintiff to the Petition No. 719 of 2008 proves that the writing Ex.B is the Last Will and Testament of the deceased, Kailash K. Nanda, as alleged in paragraph (3) of the Petition/Plaint ?
2. Whether the petitioner/plaintiff to the Petition No. 719 of 2008 proves that the said Will was validly executed on 29<sup>th</sup>

October, 2007 as alleged in paragraph (4) of the petition/plaint?

3. Whether the said Will was forged or executed under undue influence ?

4. Whether the petitioner/plaintiff to Petition No. 719 of 2008 is entitled to the grant of probate of the said Will as claimed ?

5. In the event of the alleged Will is not proved, whether the petitioner in Petition No. 125 of 2008 is entitled to obtain grant in the nature of Letters of Administration in respect of the estate of the deceased abovenamed ?

6. What order ?

2. Plaintiff is directed to file affidavit of documents alongwith compilation of documents within four weeks from today. Defendant is directed to file statement of admission and denial in respect of such documents within two weeks from the date of service of the said documents. Place the matter on board for deciding the admissibility of the documents on **1<sup>st</sup> April, 2014**.

3. Plaintiff is directed to convey this order to the caveator's advocate.

**[R.D. DHANUKA, J.]**