

Ajay

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

**INTERIM APPLICATION NO. 186 OF 2023
IN
CTS NO. 32 OF 2023
WITH
CTS (L) NO. 14892 OF 2023
WITH
TESTAMENTARY SUIT NO. 24 OF 2023**

Nipun Navnit Mehta .. Applicant

IN THE MATTER BETWEEN:

Sreekant Surajmal Mehta .. Deceased

Nipun Navnit Mehta .. Petitioner

Versus

Neeta Mehta .. Caveator

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- Mr. Vivek Kantawala i/by Mr. Z.A.K. Najam – ES – Sani, Advocate for Petitioner.
 - Mr. P.V. Sathyanarayanan, Advocate for Caveator.
 - Ms. Tripty M. Kapadia i/by Joy Legal Consultants for Caveator in CTS (L) No.14892 of 2023.

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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 13, 2023.

P.C.:

1. Heard learned Advocates appearing for the respective parties.

2. Interim Application No.186 of 2023 filed by the Plaintiff / Petitioner is disposed of in view of the fact that the Plaintiff is desirous of going ahead with the Suit proceedings in respect of proving the Will of the deceased.

3. Mr. Kanatawala makes a statement to that effect and would submit that once issues are framed by this Court, the Plaintiff shall file the Affidavit-in-lieu of evidence of its witness within two weeks alongwith the Affidavit of documents.

4. In view of the above, Interim Application stands dismissed.

TESTAMENTARY SUIT NO. 24 OF 2023

5. By consent of the parties, the following issues are framed:-

(i) Whether the Plaintiffs prove that the Will dated 19.06.2011 is validly executed?

(ii) Whether the Defendants prove that the Will dated 19.06.2021 is forged/fabricated?

(iii) Whether the Defendants prove that the Caveators have a valid and subsisting interest as legatees to the estate of the properties?

(iv) What order?

6. Mr. Kantawala would next submit that Plaintiffs desire to lead evidence of two witnesses. Affidavit-in-lieu of evidence of both witnesses shall be filed within a period of two weeks alongwith compilation of documents.

7. Copy of the Affidavit and compilation of documents shall be handed over to the Advocate for Defendants / Caveators.
8. Defendants are directed to furnish their admission and denial of the documents referred to and relied upon by the Plaintiffs in evidence to the Advocate for Plaintiff after taking inspection of the documents. This exercise be carried out before the next date of hearing.
9. Both learned Advocates shall inform Court about admission and denial of the documents, if any, on the next adjourned date so that the documents can be marked as Exhibits in accordance with law. Further directions shall be passed on compliance of this order.
10. Stand over to **18th July, 2023**.

[MILIND N. JADHAV, J.]

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