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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

SUIT NO.21 OF 2006
IN
PETITION NO.699 OF 2005

Mohan Gurbaxani & Anr. ...Plaintiffs
V/s.
Jer Jawhar Thadani ...Defendant

ALONGWITH

SUIT NO.1186 OF 2004

Jer Jawhar Thadani ...Plaintiff
V/s.
Mohan Gurbaxani & Ors. ...Defendants

Mr.K.J. Munshi a/w. Mr.B.G. Saraf for the
Plaintiffs in T.S.21 of 2006.

Mr.K.J. Munshi i/b. A.R. Vaidya & Co. for
Defendant No.1 in Suit No.1186 of 2004.

Mr.Girish Takur i/b. Advani & Co. for Defendant
Nos.4 and 5.

Ms.Dipti Panda i/b. Dhru & Co. for the Plaintiff in
Suit No.1186 of 2004 and Defendant in T.S.21 of 2006.

CORAM : A.V. NIRGUDE, J.

DATE : 11TH FEBRUARY, 2009.

P.C.:

1. Heard.

2. Perused the pleadings and the draft issues
tendered by the parties. The issues in Suit No.1186

of 2004 are finalized as under :

ISSUES

(i). Does the Plaintiff prove that Indenture dated 4th January, 2003, at Exhibit "M" executed by deceased Jawhar Asudomal Thadani was void or voidable?

(ii). Does the Plaintiff prove that the said Indenture is illegal?

(iii). Do the Defendants prove in the alternative that the Will probated in America covered the entire estate of the deceased including the estate in India?

(iv). Do the Defendants prove that deceased Jawhar was domiciled in U.S.A. when he died?

(v). In case the answer to the above issues [i.e. (iii) and (iv)] is in affirmative, which law would govern the disposal of the movable property left behind by the deceased?

(vi). In case the answer to the above issues [i.e. (iii) and (iv)] is in the affirmative, whether this Court would have jurisdiction to determine any

question in respect of the movables which the
decease's estate comprise of?

(vii). What order?

3. Stand over to 25th February, 2009, for
recording evidence.

4. In the meantime, the parties shall exchange
pleadings and file affidavit of documents.

[A.V. NIRGUDE, J.]