

Amberkar

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

TESTAMENTARY SUIT NO. 60 OF 2025

IN

TESTAMENTARY PETITION NO. 3728 OF 2024

Dhansukhlal Shamji Shah

.. Deceased

Sunil Dhansukhlal Shah

Plaintiff /
.. Petitioner

Versus

Bhavesh Dhansukhlal Shah & Anr.

Defendants /
.. Respondents

.....

- Rubin Vakil a/w Ms. Sakshi Mehta, Advocate for Plaintiff
- Ms. Manisha Virkhare (through VC), Advocate for Defendants

.....

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 12, 2025

P. C.:

1. Heard learned Advocates appearing for the parties.
2. The Stage of Testamentary Suit is for framing of issues. After hearing the learned Advocates for parties, following issues are framed in the Suit for adjudication:-

(i) Whether the Plaintiff proves that Will dated 24.01.2019 was duly and validly executed and attested in accordance with law as the Last Will and Testament of the deceased?

(ii) Whether the Plaintiff proves that the deceased was of

sound and disposing state of mind at the time of execution of the said Will?

(iii) Whether the Defendants prove that the said Will is forged, fabricated, fraudulent and/or that it was executed by the deceased under any undue influence, coercion or pressure?

(iv) What reliefs / orders?

3. Advocate for Plaintiff is directed to file Affidavit of Documents alongwith List of Witnesses on the next date. Copies of Affidavit-of-evidence of all witnesses of fact, Affidavit of Documents and list of witnesses shall be served in advance on Advocate for Defendants within a period of two weeks from today. Advocate for Defendants shall take inspection of original documents in the office of Advocate for Plaintiff within a period of two (2) weeks thereafter. Admission and Denial statement of documents alongwith reasons shall be conveyed by Advocate for Defendant to Advocate for Plaintiff within a period of two (2) week thereafter.

4. On the next adjourned date, list of witnesses, affidavits of Plaintiff's alongwith the Affidavit of Documents with originals and Admission and Denial of documents by Defendant shall be filed in Court and for the purpose of marking and exhibiting the Will and documents in evidence witnesses shall be kept present and after

hearing both the parties documents will be marked and further directions shall be given.

5. Stand over to 6th February, 2026.

Amberkar

[MILIND N. JADHAV, J.]

Digitally signed
by RAVINDRA
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AMBERKAR
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