

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO.118 OF 2021
IN
TESTAMENTARY PETITION NO.706 OF 2020**

Shailesh Navnitlal Jariwala

... Plaintiff

V/s.

Dipika Nilkamal Jayswal

... Defendant

**WITH
INTERIM APPLICATION (L) NO.10677 OF 2022
IN
TESTAMENTARY SUIT NO.118 OF 2021**

Mr. D. V. Saroj for the Plaintiff.

Mr. Rammani Upadhyay for the Defendant.

CORAM : ARIF S. DOCTOR, J.

DATE : 21ST FEBRUARY 2023

P.C. :

1. The parties have tendered the draft issues. The issues are framed as follows :-

ISSUES

- (i) Whether the Plaintiff proves that the Writing dated 22nd April 2018 has been validly executed and attested in accordance with the law and is the last

Will and Testament of Navnitlal Maneklal Jariwala
alias Navnitbhai Maneklal Jariwala ('the deceased') ?

- (ii) Whether the Defendant proves that the signature and the thumb impression on the Writing dated 22nd April 2018 is not that of the deceased ?
- (iii) Whether the Defendant proves that the Defendant was not present before the Notary at the time of execution of the said Writing dated 22nd April 2018 ?
- (v) What reliefs and what orders including as to costs ?

2. Learned Counsel appearing on behalf of the Plaintiff submits that the Plaintiff shall lead the evidence of two witnesses and the Affidavit of Evidence in lieu of Examination-in-Chief shall be filed on or before 21/03/2023.

3. Stand over to 21/03/2023 under the caption 'for directions'.

4. At this stage, learned Counsel appearing on behalf of the Plaintiff seeks liberty to withdraw Interim Application (L) No.10677 of 2022. Interim Application (L) No.10677 of 2022 is therefore dismissed as withdrawn.

(ARIF S. DOCTOR, J.)