

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 53 OF 2016
IN
TESTAMENTARY PETITION NO. 112 OF 2016
WITH
CAVEAT NO. 87 OF 2016
AND
NOTICE OF MOTION NO. 152 OF 2017**

Naresh Damodardas Bhuta ...Plaintiff
Versus
Ashok Damodardas Bhuta & Ors ...Defendants

**Mr Rajesh Shah, with Dhanesh R Shah, for the Plaintiff.
Appearance for the Defendants not given.**

**CORAM: G.S. PATEL, J
DATED: 1st October 2018**

PC:-

1. Heard. Issues are framed and these are appended to this order.
2. The Plaintiff shall, on or before 26th October 2018 file (i) the Affidavit(s) of the attesting witness(es) (ii) the Evidence Affidavit of

the Plaintiff; (iii) an Affidavit of Documents; and (iv) a Compilation of Documents duly indexed and paginated. Copies of each of these will be served on the advocates for the Defendants on or before that date.

3. Discovery and inspection is to be completed and statements of admission and denial are to be exchanged on or before 26th November 2018.

4. There will be no extension of time. In default of compliance, the suit and petition will stand dismissed without further reference to the Court.

5. On the Plaintiff complying with these directions, the matter will be taken up for marking of the Plaintiff's documents and further directions, on 30th November 2018, irrespective of the caption under which the matter appears.

6. Separately, list Notice of Motion No. 152 of 2017 for hearing and final disposal on 9th October 2018.

(G. S. PATEL, J.)

ISSUES FRAMED ON 1ST OCTOBER 2018
TESTAMENTARY SUIT NO. 53 OF 2016
IN
TESTAMENTARY PETITION NO. 112 OF 2016
WITH
CAVEAT NO. 87 OF 2016

1. Whether the Plaintiff proves that the writing dated 13th November 2008 was duly and validly executed and attested in accordance with law as the last Will and Testament of the deceased, Damodardas Bhaidas Bhuta?
2. Whether the Plaintiff proves that, at the time of the alleged Will, the deceased was of sound and disposing state of mind, memory and understanding?
3. Whether the Defendants prove that the alleged Will was obtained by fraud?
4. Whether the Defendants prove that the alleged Will was obtained by undue influence, coercion and importunity?
5. Whether the Defendants prove that the alleged Will is unnatural?
5. What reliefs and what orders?

(G. S. PATEL, J)