

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

**SUIT NO. 27 OF 2008
IN
PETITION NO.155 OF 2008**

Mr.Jagtaran Singh Waryaamsingh SethiPetitioner
versus
Mrs. Pariminder Mayank PandyaCaveatrix

Mr. Kantilal Mehta adv. for the Petitioner
Mr.Joel D' ōza i/b. M/s. Federal & Rashmikant None for the
Defendant no.1.
Mr. R.M. Vanoo for defendant no.2.
[Mr.P.B.](#) Ahire & A.J. Uniyal for defendants 3 and 4.

**CORAM: A. P. DESHPANDE, J.
DATED : 22nd APRIL, 2009.**

P.C.:

1. The learned counsel for the plaintiff and defendants have placed on record draft issues. Perused the plaint and written statement. Heard the learned counsel. The following issues are framed and settled by the court.

1) Whether the Plaintiff proves that the will was duly executed on 3ed January 2006 by the deceased,Kulwant Kaur Waryam SinghSethi alias Kulwant Kaur Sethi out of her free will and that it is the last will and testament ?

2) Whether the Plaintiff proves that the deceased

possessed the requisite testamentary capacity of sound disposing mind, to make any testamentary disposition of her estate and property or any part thereof ?

3) Whether the Plaintiff is entitled to probate of the will in respect of the suit properties ?

4) Whether the defendants prove that will and testament of the deceased dated 3rd January 2006 referred to in paragraph 3 of the petition, and marked as Exhibit-B thereto is a false, forged and fabricated document incapable of having any legal effect ?

5) what orders ?

(A. P. DESHPANDE, J.)