

*Shephali*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
TESTAMENTARY SUIT NO. 35 OF 2008  
IN  
TESTAMENTARY PETITION NO. 100 OF 2008**

Ashokan Balkrishna Kundai ...Plaintiff  
*Versus*  
Suresh Prabhakar Karippara ...Defendant

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**Mr. Ravi Irle, i/b Mr. Khan Javed Akhtar, for the Plaintiff.**  
**Mr. Ashutosh Kaushik, i/b R. C. Kaushik, for the Defendant.**

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**CORAM: G.S. PATEL, J**  
**DATED: 4th February 2015**

**PC:-**

1. By consent taken up for framing issues.
2. Issues are framed and these are appended to this order.
3. The Plaintiff shall, on or before 26th February 2015, file (i) the affidavit of the attesting witness (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 Defendant on or before that date.

4. Suit to be listed for directions on 5th March 2015. If these directions have not been complied with by then, the suit and the petition will be dismissed on that date. On compliance with these directions as to filing, the matter will be taken up for marking of the Plaintiff's documents and further directions on that day, the fact that it may be listed for directions on that date notwithstanding.

**(G. S. PATEL, J.)**

**ISSUES FRAMED ON 4TH FEBRUARY 2015**

**TESTAMENTARY SUIT NO. 35 OF 2008**

**IN**

**TESTAMENTARY PETITION NO. 100 OF 2008**

1. Whether the Plaintiff proves that the writing dated 10th October 2002 allegedly executed by Karippara Prabhakar Govindhan as his last Will and testament was duly and validly executed in accordance with law?
2. Whether the Plaintiff proves that the Testator at the time of the alleged Will was of sound and disposing state of mind, memory and understanding?
3. Whether the Defendant proves that the Will was obtained by undue influence?
4. Whether the Defendant proves that the Testator did not know, read or write English?
5. What reliefs and what order?

**(G. S. PATEL, J.)**