

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

**TESTAMENTARY SUIT NO. 127 OF 2026  
IN  
TESTAMENTARY PETITION NO. 5791 OF 2025**

**BHARAT RATANSEY MASKAI AND ANOTHER )...PLAINTIFFS**

**V/s.**

**NITIN RATANSEY MASKAI )...DEFENDANT**

**WITH  
INTERIM APPLICATION (L) NO. 19080 OF 2026  
IN  
TESTAMENTARY SUIT NO. 127 OF 2026**

Mr.A.S.Pal a/w. Ms.Sanjana Das i/by Mehta & Padamsey, Advocate for the Plaintiffs.

Mr.Manek Kalyaniwalla a/w. Ms.Prapti Shetty and Mr.Prashant Shetty i/by TPS Law, Advocate for the Defendant.

**CORAM : ABHAY AHUJA, J.**

**DATE : 8<sup>th</sup> JUNE 2026**

**PC. :**

1. This matter has been listed first on board for framing of issues.
2. When the matter is called out, Mr.Kalyaniwalla, learned Counsel appears for the Defendant and submits that while the draft issues on behalf of the Defendant are already on record, this morning an email had been received from the Plaintiffs containing the draft issues on behalf of the Plaintiffs. Mr.Kalyaniwalla submits that the Issue no.1 in

both the drafts is similar and this Court may, therefore, proceed to frame the issues by including the Issue no.2 on behalf of the Plaintiffs.

3. Having heard the learned Counsel and having considered the submissions, the following issues are framed by consent :

**ISSUES**

- (i) Whether the Plaintiffs prove that the writing dated 13<sup>th</sup> January 2014 been validly and legally executed and attested as the Last Will and Testament of Late Rajanji Hirji Maskai ?
- (ii) Whether the Plaintiffs prove that the deceased was of sound and disposing mind, memory and understanding at the time of execution of the writing dated 13<sup>th</sup> January 2014 ?
- (iii) Whether the Defendant proves that the writing dated 13<sup>th</sup> January 2014 has been obtained by the Plaintiffs by casing harassment, importunity and by undue influence ?
- (iv) Whether the registered Last Will and Testament dated 13<sup>th</sup> January 2014 of the deceased, Ratansey Hirji Maskai, is surrounded by suspicious circumstances ?
- (v) What decree ?
- (vi) What order ?
- (vii) What order as to costs ?

4. Let the Plaintiffs within a period of eight weeks file an Affidavit in lieu of examination-in-chief of the Plaintiffs' witness along with

Affidavit and Compilation of documents duly indexed and paginated and serve the same upon the Defendant alongwith list of Plaintiffs' witnesses.

5. Discovery and inspection to be completed within a period of four weeks thereafter.
6. Defendant to file Statement of admission and denial within a period of four weeks thereafter with a copy to the other side.
7. List on **29<sup>th</sup> July 2026** for marking of Plaintiffs' documents.
8. Let the Plaintiffs' witness remain present in Court on the next date.

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9. Mr.Kalyaniwalla seeks some time to file a reply.
10. Let the reply by filed within a period of two weeks with a copy to the other side. Rejoinder in one week thereafter, with a copy to the other side.
11. List on **30<sup>th</sup> June 2026**.

**(ABHAY AHUJA, J.)**