

Amberkar

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

TESTAMENTARY SUIT NO. 48 OF 2023
IN
TESTAMENTARY PETITION NO. 550 OF 2022

Vimla Mafatlal Choksi nee
Vimlaben Choksi nee
Vimla Chaukshi .. Deceased

Geeta Mukesh Shah .. Plaintiff

Versus

Rashmi Mafatlal Choksi .. Defendant

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- Mr. Jeyhaan Carnac i/by Mulla & Mulla, Advocates for Plaintiff
 - Mr. A.K. Singh a/w Mr. Piyush Singh, Advocate for Defendant
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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 24, 2025

P. C.:

1. Heard Mr. Carnac, learned Advocate for Plaintiff and Mr. Singh, learned Advocate for Defendant.

2. After hearing submissions advanced by both the learned Advocates, following issues are framed:-

- (1) Whether the Plaintiff proves that the writing dated 28.11.2005 was duly and validly executed and attested in accordance with law as the last Will and Testament of the deceased Vimla Mafatlal Choksi?
- (2) Whether the signature of the Testatrix on the Will dated 28.11.2005 was forged by the Plaintiff to create a false

and fabricated Will as alleged at Para 1(b)(iv) of the Caveat?

- (3) Whether the Defendant proves that the alleged Will is sham and bogus?
- (4) Whether the Plaintiff proves that at the time of the said alleged Will, the deceased was of sound and disposing state of mind, memory and understanding?
- (5) Whether the Defendant proves that Will & Testament dated 28.11.2005 of the deceased was obtained by misrepresentation, coercion and under influence?
- (6) What reliefs and what orders?

3. Plaintiff is directed to file her list of witnesses, affidavit of all witnesses together and affidavit of documents along with appropriate indexation. Affidavit of documents shall be served on Defendant. Defendant is directed to take cognizance of the same and accordingly submit admission and denial of the documents to Advocate for Plaintiff.

4. Aforesaid exercise is directed to be carried out within a period of six weeks from today. On the next date subject to hearing the Defendant if present order is complied with, Suit shall be taken forward for trial and documents shall be marked.

5. Stand over to **7th November, 2025.**

[MILIND N. JADHAV, J.]