

Ajay

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

TESTAMENTARY SUIT NO.140 OF 2026
IN
TESTAMENTARY PETITION NO.5700 OF 2024
WITH
CAVEAT NO.175 OF 2026

Veena Nitin Bhatt .. Plaintiff
Versus
Meeta Kanu Parmar Defendant
.. (Orig. Caveatrix)

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- Mr. Naman Gupta i/b Mr. Bishwajeet Mukherjee, Advocates for Plaintiff.
 - Ms. Rekha P. Safari, Advocate for Defendant / Orig. Caveatrix.

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CORAM : MILIND N. JADHAV, J.
DATE : MAY 04, 2026.

P.C.:

1. Heard Mr. Gupta, learned Advocate for Plaintiff and Ms. Safari, learned Advocate for Defendant.

2. The Stage of Testamentary Suit is for framing of issues. After hearing the learned Advocates at the bar and perusing the draft issues, the following issues are framed in the Suit for adjudication:-

- (i) Whether the Plaintiff proves that Will dated 01.04.2021 was duly and validly executed and attested in accordance with law as the Last Will and Testament of the deceased?
- (ii) Whether the Plaintiff proves that the deceased was of sound and disposing state of mind at the time of

execution of the said Will?

(iii) Whether the Defendant proves that the said Will is forged, fabricated, fraudulent and/or that it was executed by the deceased under any undue influence, coercion or pressure? and

(iv) What reliefs / orders?

3. Advocate for Plaintiff is directed to file Affidavit of Documents alongwith list of Witnesses on the next date in Court. Copy of Affidavit of Documents shall be served in advance on Advocate for Defendants within a period of three (3) weeks from today. Advocate for Defendant shall take inspection of the original documents in the office of Advocate for Plaintiff which shall be offered within a period of one (1) weeks thereafter. Admission and Denial statement of documents alongwith reasons shall be conveyed by Advocate for Defendant to Advocate for Plaintiff within a period of one (1) week thereafter. Copies of Affidavit in lieu of Examination-in-Chief of all Plaintiff's witnesses of facts shall be served on Defendant's Advocate one (1) weeks before the next date.

4. On the next adjourned date, Affidavits of all Plaintiff's witnesses shall be filed in Court alongwith the Affidavit of Documents with originals and statement of Admission and Denial of documents by Advocate for Plaintiff for the purpose of marking and exhibiting the documents in evidence after hearing both the parties.

5. Without prejudice to above, it is observed that the present dispute is with regard to share in the property and credits of the deceased i.e. father of both the parties. It is seen that the wife of the deceased i.e. the mother of both the parties is alive and is 90 years old. Ms. Safari informs the Court that both the parties are real sisters.

6. In the above facts, Ms. Safari, learned Advocate for Plaintiff in her usual fairness would submit that Plaintiff is agreeable to apportion the estate of the deceased father equally with the Caveatrix who is her elder sister. She would submit that Plaintiff and Caveatrix can divide the estate / properties and credits of the deceased equally i.e. 50% each so that the *lis* can be put to an end to. In that view of the matter, Advocate for Caveatrix shall convey the without prejudice proposal submitted by Ms. Safari to the Caveatrix. The Caveatrix is hereby requested by the Court to consider the same without prejudice to her rights and contentions to challenge the Will. If the said proposal is not considered then the aforesaid order will have to be complied with by Plaintiff and Defendant both on the next date as directed and the suit shall proceed.

7. It is seen that the Will of the deceased bequeaths the entire property to the Plaintiff, hence in that view of the matter proposal given by Ms. Safari is without prejudice *prima facie* appears to be very fair and therefore looking at the *lis* between the parties, the Court is making a request to both the parties, who are real sisters, to reconcile

and divide the property equally, if it is possible to do so or in any other proportion as mutually agreed by them. If parties want to go for Mediation, Court is ready to appoint Mediator also.

8. Stand over to 09th June, 2026.

[MILIND N. JADHAV, J.]

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