

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

**TESTAMENTARY SUIT NO. 88 OF 2013
IN
TESTAMENTARY PETITION NO.1137 OF 2012**

Shobha Mukesh Jashnani .. Plaintiff/Petitioner
Vs.
Indru Devnani & Anr. .. Defendants/Caveators

**WITH
TESTAMENTARY SUIT NO. 192 OF 2013**

Shobha Mukesh Jashnani .. Plaintiff
Vs.
Rekha Shankar Jethani & Anr. .. Defendants

Ms.Shweta Jain i/b Tushar Goradia and Nisha Parmar for plaintiff in both suits.

Ms.Gargi Bhagwat i/b Divekar Bhagwat & Co. for defendants in both suits.

**CORAM : K.R.SHRIRAM, J.
DATE : 10TH JANUARY, 2017**

P.C.

TESTAMENTARY SUIT NO. 192 OF 2013

- 1 The following issues arise in the suit :
 1. Whether, in view of the contents of para 14 and 25 of Affidavit dated 25th October 2013 of defendant no.1 and Affidavit dated 28th October 2013 of defendant no.2, the caveat filed by them deserves to be dismissed and the grant of the writing dated 28th February 2003 propounded by the plaintiff in the above matter deserves to be issued by treating the Testamentary Petition as uncontested?
 2. Whether the plaintiff prove that they are entitled to the Letters of Administration as sought in the Petition?
 3. What decree? What order?

TESTAMENTARY SUIT NO. 88 OF 2013

1. Whether the petitioner/plaintiff proves that the Will dated 6th July 2005 of the Sita Devi Hakumat Devnani was duly executed?
2. Whether the Caveators/Defendants prove that Will dated 6th July 2005 is not a genuine Will and that the same is a false and fabricated document?
3. What decree? What order?

2 The following directions are passed for the parties to comply with :

- (a) All parties to file their respective affidavits of documents within two weeks;
- (b) Within one week thereafter, parties to give/take inspection of the documents.
- (c) Within one week thereafter, parties to exchange their statements of admission and denial with reasons for denial.
- (d) On or before 18th February 2017, the plaintiff to file their list of witnesses, affidavit in lieu of examination in chief of their first witness together with compilation of documents and serve copy thereof upon the defendant.

3 The suits be listed on 27th February 2017 for receiving the plaintiff's evidence and documents on record on which date the plaintiff's first witness shall remain present in Court.

(K.R. SHRIRAM, J.)