



Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
TESTAMENTARY SUIT NO. 93 OF 2011  
IN  
TESTAMENTARY PETITION NO. 668 OF 2011**

Nisha Prakash Chawla & Anr ...Plaintiffs  
*Versus*  
Dilip Vashu Chawla & Ors ...Defendants

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**Mr Vivek Sharma, for the Plaintiffs.**  
**Mr Herbert A Noronha, for Defendants Nos. 2 & 3.**

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**CORAM: G.S. PATEL, J**  
**DATED: 12th April 2018**

**PC:-**

1. The 2nd Plaintiff, the executor, has passed away. Leave to amend to delete the name of the 2nd Plaintiff. The Petition is for probate and will continue in the name of the 1st Plaintiff as the sole Plaintiff. Of the three Defendants, the 1st Defendant has been deleted by a previous order. The 2nd and 3rd Defendants, Rima Santosh Dalwani and Vashu Hariram Chawla, respectively, continue the contest. Although Defendant No. 1 was deleted, he (Dilip Vashu) has filed an Additional Affidavit with my leave as the Constituted Attorney of Defendant No. 2, Rima.



2. The stage of the Suit is for framing issues. I have heard both sides. Issues are framed and these are appended to this order.
  
3. The Plaintiffs shall, on or before 8th June 2018, file (i) the affidavit(s) of the attesting witness(es) (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 Defendants on or before that date.
  
4. The statement of admission and denial shall be exchanged between the parties by 22nd June 2018.
  
5. There will be no extension of time. In default of compliance, the suit and petition will stand dismissed without further reference to the Court.
  
6. On the Plaintiff complying with these directions, the matter will be taken up for marking of the Plaintiffs' documents and further directions on 27th June 2018, irrespective of the caption under which the matter appears.

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



**ISSUES FRAMED ON 12TH APRIL 2018**

**TESTAMENTARY SUIT NO. 93 OF 2011**

**IN**

**TESTAMENTARY PETITION NO. 668 OF 2011**

1. Whether the Plaintiffs prove that the writing dated 22nd May 2007 was duly and validly executed and attested in accordance with law as the last Will and Testament of the deceased, Harinand Hassanand Chawla?
2. Whether the Plaintiffs prove that at the time of the said alleged Will, the deceased was of sound and disposing state of mind, memory and understanding?
3. Whether the Defendants prove that the alleged Will is a fabricated?
4. Whether the Defendants prove that the alleged Will is a forged?
5. Whether the Defendants prove that the alleged Will was obtained by undue influence, fraud, coercion and misrepresentation?
6. What reliefs and what orders?

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