

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

SUIT NO.105 OF 2023
IN
PETITION NO.703 OF 2019

Hasumati A. Vora and another	...	Plaintiffs
Vs.		
Devika Abhay Gandhi and others	...	Defendants
Abhechand Mohanlal Vora	...	Deceased

Mr. Shyam Kapadia a/w. Ms. Shobhana Narayan, Ms. Shriya Raychaudhuri and Ms. Dixita Gohil i/b. Khaitan & Co. for Plaintiffs.

Mr. Atharva A. Dandekar a/w. Mr. Hitendra Parab for Defendants.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 19, 2023

P.C. :

. This suit arises out of a probate petition filed by the petitioners for grant of probate of a Will dated 23.01.2018. Upon the caveators filing their caveats and raising objections to the prayers made in the petition, the petition stood converted in the present testamentary suit.

2. Upon hearing the learned counsel for the parties, the following issues are framed for determination:

- “i. Whether the plaintiffs prove that the writing dated 23.01.2018 was duly and validly executed and attested in accordance with laws as the last Will and Testament of the testator?
- ii. Whether the plaintiffs prove that at the time of the said writing, the testator was of sound and disposing state of mind, memory and understanding?
- iii. Whether the defendants prove that the signature on the Will has been forged and fabricated by the plaintiffs?

- iv. Whether the defendants prove that the Will is fraudulent and not genuine?
- v. Whether the defendants prove that the Will was obtained by fraud, undue influence, coercion and by putting pressure on the testator as alleged in the written statement?
- vi. What reliefs and orders?"

3. The plaintiffs shall now file their affidavits in lieu of evidence and compilation of documents within four weeks from today. Copies of the same be served, in advance, to the learned counsel appearing for the defendants.

4. List for further consideration on 25.01.2024.

(MANISH PITALE, J.)

Minal Parab