

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 169 OF 2017**

IN

TESTAMENTARY PETITION NO. 973 OF 2016

Abdul K Shaikh	...Petitioner
<i>Versus</i>	
Sugrabi w/d Abdul Karim Alias Sugrali Abdul Karim (deceased) and Abdul Gaffar Shaikh Chand Alias Adbul Gaffar Shaikh & Ors	...Respondent

WITH

TESTAMENTARY SUIT NO. 119 OF 2018

IN

TESTAMENTARY PETITION NO. 973 OF 2016

Abdul Gaffar Shaikh Chand Alias Adbul Gaffar Shaikh	...Plaintiff
<i>Versus</i>	
Abdul K Shaikh	...Defendant

Mr Dharmesh Jain, i/b Divya Sanghavi, for the Plaintiff.
Mr Vinduprakash Pandey, i/b Legal Edge LLP, for the Defendant.

CORAM: G.S. PATEL, J
DATED: 18th September 2018

PC:-

1. By consent, Testamentary Suit No. 119 of 2018 is taken up for framing issues.
2. Heard. Issues are framed and these are appended to this order.
3. The Plaintiffs shall, on or before 8th October 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. Discovery and inspection is to be completed and statements of admission and denial are to be exchanged on or before 19th October 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 Plaintiff's documents and further directions on 26th October 2018, irrespective of the caption under which the matter appears.

(G. S. PATEL, J.)

**ISSUES FRAMED ON 18TH SEPTEMBER 2018
TESTAMENTARY SUIT NO. 119 OF 2018**

IN

TESTAMENTARY PETITION NO. 973 OF 2016

1. Whether the Plaintiff proves that the writing dated 8th March 1989 was duly and validly executed and attested in accordance with law as the last Will and Testament of the deceased, Sugrabi Abdul Karim?
2. 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?
3. Whether the Defendant proves that the alleged Will was procured by fraud?
4. Whether the Defendant proves that the alleged Will was procured by coercion and undue influence?
5. What reliefs and what orders?

(G. S. PATEL, J.)