

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUITS NO. 228 OF 2024
IN
TESTAMENTARY PETITION NO. 3189 OF 2019

Nita Jain W/o Ravi Kran Jain And Anr ...Plaintiffs

Versus

Yasha Jain D/o. Dharmapal Jain ...Defendant

Mr. Kalpesh Joshi a/w Mr. Narendra Devansh i/b Kalpesh Joshi Associates for Plaintiffs.

Mr. A. R. Shaikh i/b A & D Associates for Defendant.

CORAM : ARIF S. DOCTOR, J.

DATED : 27th FEBRUARY 2025

P.C. :

- 1 The parties have today tendered draft issues.
- 2 The Court after considering the same frames the following issues.

ISSUES

- i. Whether the document dated 18th April 1989 (the said Will) is the last Will and Testament of Dharam Pal Jain (Deceased) ?
- ii. Whether the said Will has been duly executed in accordance with the provisions of the Indian Succession Act ?
- iii. Whether the Plaintiff proves that the deceased was at the time of execution of the said Will was in sound and disposing state of mind, memory and understanding ?
- iv. What reliefs and what orders ?

3 The parties are directed to file their respective Affidavits of documents, exchange the Statement of Admission and Denial, and file list of witnesses and Affidavit in lieu of Examination in Chief of the Plaintiff's first witness together with compilation of documents with copy to be served upon the Defendants on or before 13th March 2025.

4 List the matter on 13th March 2025 for direction.

(ARIF S. DOCTOR, J.)