

Amberkar

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

**TESTAMENTARY SUIT NO. 60 OF 2022
IN
TESTAMENTARY PETITION NO. 1666 OF 2021**

Harshada Heman Naidu .. Deceased

Yusuf Aboobakar Kherani .. Plaintiff

Versus

Indira Jagdish Das .. Defendant

-
- Ms. Itisha Ranka i/by M.P. Vashi & Associates, Advocates for Plaintiff

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 24, 2025

P. C.:

1. Heard Ms. Ranka, learned Advocate for Plaintiff.
2. By order dated 26.03.2025, matter was listed for filing of draft issues. Today when the matter is called out, Ms. Ranka has placed on record draft issues. She would inform the Court that Plaintiff has complied with the directions contained in the previous order. None appears for Defendant. I have perused the record of the case and the draft issues filed by Plaintiff and find that they have been appropriately drafted. In view thereof, following issues are framed in the Suit for trial:-

- (1) Whether the Plaintiff proves that the writing dated 13.11.2020 was duly and validly executed and attested in

accordance with law as the last Will and Testament of the deceased, Harshada Hemant Naidu?

- (2) Whether the Plaintiff proves that at the time of the said Will, the deceased was of sound and disposing state of mind, memory and understanding?
- (3) Whether the Defendant proves that the Will and Testament dated 13.11.2020 of the deceased was obtained by misrepresentation, coercion or undue influence?
- (4) Whether the Defendant proves that the Will and Testament dated 13.11.2020 of the deceased is forged, fabricated and manufactured?
- (5) What reliefs and what orders?

3. Plaintiff is directed to file his list of witnesses, affidavit of all witnesses together and affidavit of documents along with appropriate indexation. Affidavit of documents shall be served on Defendant. Defendant is directed to take cognizance of the same and accordingly submit admission and denial of the documents to Advocate for Plaintiff.

4. Aforesaid exercise is directed to be carried out within a period of six weeks from today. On the next date subject to hearing the Defendant if present order is complied with, Suit shall be taken forward for trial and documents shall be marked.

5. Stand over to 12th November, 2025.

Amberkar

[MILIND N. JADHAV, J.]

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by RAVINDRA
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2025.09.24
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