

Moot Trial

Amit Ranjan v. Kusum Ranjan and others

A contested probate proceeding

Facts are located in India. Laws of India apply.

This brief was made for the Seventh ILS Judgment Writing Competition at the ILS Law College held on 31 January 2015.

This is an imaginary problem. The problem, and all facts are imaginary. All parties involved are fictitious.

The problem, and all documents are manufactured for this competition by Dr Nilima Bhadbhade, Associate Professor, and Ms Rajalaxmi Joshi, Assistant Professor, ILS Law College, Pune

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ADMITTED FACTS AND ASSUMPTIONS

1. Documents bear relevant stamps and endorsements usually put on such documents by the Court. Proper court-fees have been paid.
2. The Court has jurisdiction to try the proceedings.
3. The Petition for Probate being Miscellaneous Application No 25/2012 filed on 16 January 2012 was converted and registered under section 295 of the Indian Succession Act as Special Civil Suit No 579/2014 on 15 April 2014.
4. Document Nos 2 to 7 filed by the Petitioner (See pg 9) have been filed in the proceedings. All documents filed have been exhibited.
5. Mrs Amruta Ranjan and J P Patil Educational Trust were served with notice of petition, but have not appeared in the proceedings.
6. In October 2011, Mrs Kusum Ranjan, Mr Sumit Ranjan and Mrs Lakshmi Gupta filed Cavaet in the same court under Indian Succession Act.
7. Errors in the brief may be excused, and will be corrected.

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION PUNE

AT PUNE

Misc. Appln. No.25/2012

Amit Rajan Ranjan
Age: 50 yrs., Occ: Service,
R/At: Ajinkya Apartments
Block No.9, 15th June Road,
Bangalore: 5

...

Petitioner

Petition u/Sec. 276 of Indian Succession
Act, 1925 for Grant of Probate

The petitioner above named most respectfully submits as follows:

1. The petitioner is filing the present petition for Grant of Probate of the last Will dated 4 Feb 2001 of late Shri. Rajan Ranjan, (hereinafter referred to as the deceased) who died on 25 May 2011 at Pune. The death certificate is filed on record along with this petition.
2. The petitioner states that at the time of death the deceased was ordinarily resident of Pune and had fixed place of abode at 'Ranjan Vihar', M.G. Road, Camp, Pune 411001.
3. The petitioner states that the petitioner is the son of the deceased and he is ordinary resident of Bangalore. The mother of the deceased viz. Sunanda Ranjan expired on 15 July 2003. Apart from the petitioner, the deceased has the following relatives wife Smt. Kusum Rajan Ranjan, son i.e. Mr. Sumit Ranjan and daughter i.e. Mrs. Laxmi Gupta.
4. The petitioner states that at the time of death, the deceased had left behind some movable and immovable properties. The details of the movable and immovable properties left behind by the deceased are given in Schedule A.
5. The petitioner states that the deceased had made a Will on 4 Feb 2001. The Petitioner has produced it. This is his last will. By this will, he bequeathed his movable and immovable properties to his relatives and other legatees. The details of the movable, as well as, immovable properties in which each of his relative / legatee claim right, and the amount likely to come to their hands, are given in Schedule A.
6. The petitioner states that in the said will dated 4 Feb 2001, the petitioner alone was named and appointed as Executor. The petitioner otherwise also is a person entitled to the estate of the deceased, and is a beneficiary under the said Will. Thus the petitioner is entitled to grant of probate to the last Will dated 4 Feb 2001 of

deceased, under section 276 of Indian Succession Act, 1925. There is no impediment in granting probate to the petitioner herein.

7. The petitioner states that at the time of death, the deceased was residing within the jurisdiction of this Hon'ble Court. Some properties are also situated within the jurisdiction of this Hon'ble Court. This Hon'ble Court has jurisdiction to entertain and try the present petition.
8. The list of relatives and legatees to whom notices of petition can be sent are given in Schedule B below.

SCHEDULE 'A'

Details of Immovable and Movable Property left behind by the deceased

Sr. No.	Particulars	Bequeathed to	Value of property	Heir / legatee
1.	City Survey No. 215, Shivajinagar, Pune admeasuring about 1000 sq. mts. with bungalow 'Ranjan-Vihar' admeasuring 300 Sq. mts. (carpet area) M.G. Road, Camp, Pune 411001	- Petitioner and Sumit Ranjan equally - Life interest to Kusum Ranjan, Mrs Sunanda Ranjan (died 2003), and Lakshmi Ranjan Gupta (married in 2002)	Rs.25 Crore	Heir and Legatee
2.	Flat Nos. 002, 009,011 admeasuring about 220 sq. mt each in Ajinkya Apartments (building), Survey No. 216/2, 15th June, Road, Bangalore	Petitioner	Rs. 14 Crore	Heir and Legatee
3.	Flat no 5 admeasuring about 120 sq. mt., 'Gulistan' Arcade, survey no. 56/3/1, D.P. Road, Nagpur	Mr. Sumit Rajan	Rs. 80 lakhs	Heir and Legatee
4.	Land and Garden S No 22/1, Wilston Park, Mahabaleshwar admeasuring 500 sq.m. with house admeasuring about 300 sq. mt.	Mrs. Sameera Chadrashekhhar	Rs. 8 Crore	Legatee
5.	Personal jewellery, Gold and silver	Mrs. Kusum Rajan, Ms. Lakshmi Rajan (Gupta), Mrs. Janaki Rajan and Mrs. Amruta Rajan	Rs. 1.5 Crore	Heir / relative, and Legatee
6.	Articles and antiques	Mrs. Kusum Rajan and Mr. Sumit Rajan	Rs. 50 lakhs	Heir and Legatee
7.	33,000 shares in Diamond Trading Co. Ltd (value on the date of will Rs. 1,500 per share)	Ms. Lakshmi Rajan(Gupta)	Rs. 33 lakhs	Heir and Legatee
8.	Rs. 10,00,000/-	J.P. High School, Shanivar Peth, Pune	Rs. 10 lakhs	Legatee

SCHEDULE 'B'

<u>No.</u>	<u>Name</u>	<u>Relation</u>	<u>Address</u>
1.	Mrs Kusum Ranjan	wife	'Ranjan-Vihar', M.G. Road, Shivajinagar, Pune 411001
2.	Mr Sumit Ranjan	son	
3.	Mrs Lakshmi Gupta	daughter	Shivtirth Apt, Flat No. 12, 4 th floor Paud Road, Pune 10
4.	Mrs Janaki Ranjan (legatee)	daughters-in- law	'Ranjan-Vihar', M.G. Road, Shivajinagar, Pune 411001
5.	Mrs Amruta Ranjan (legatee)		Block No.9, 15th June Road, Ajinkya Apartments, Bangalore: 5
6.	Mrs Sameera Chandrashekhar (legatee)		Chitrakar Ketkar Marg, Vishesh CHS, Vile-Parle East, Mumbai
7.	J P Patil Educational Trust (legatee)		Shanivar Peth, Pune 411004

The petitioner therefore, prays that:

- a. The present petition may kindly be allowed.
- b. Probate to the last Will of deceased Rajan Ranjan dated 4 Feb 2001 annexed to this petition may kindly be granted to the petitioner.
- c. Any other just and equitable relief may also be granted in favour of the petitioner.

Filed on: 16 Jan 2012

Pune.

SRKS

Advocate for the Petitioner



Petitioner

(Amit Rajan Ranjan)

VERIFICATION

I, Mr. Amit Rajan Ranjan, the petitioner herein do hereby state and declare that the contents hereinabove are true and correct to the best of my knowledge and belief and hence I have signed hereunder on this 16th Day of January 2012.



Petitioner

(Amit Rajan Ranjan)

VERIFICATION

I, Mr. Atishkumar Singh, one of the witnesses to the last will and testament of the deceased mentioned in the above petition, declare that I was present and I received from the testator a personal acknowledgment of his signature and thumb impression on the will and I have signed on the will in the presence of the testator, and hence I have signed hereunder on this 16th day of January 2012.

Atish K. Singh

Atishkumar Singh

Witness to the last will of the deceased.

In the Court of Civil Judge Senior Division Pune at Pune

Misc. Appln. No.25/2012

Amit Ranjan

.....Petitioner

List of Documents filed on behalf of the petitioner are as follows

No.	Description	Date
1.	Will	4 Feb 2001
2.	Death certificate re. Mr Rajan Ranjan	7 June 2011
3.	City Survey Record of C S No. 215, Shivajinagar, Pune	---
4.	Index II Extract of Deed of Apartment of Apt Nos 002, 009,011 of Ajinkya Apartments, Bangalore	---
5.	Index II Extract of Deed or Apartment of Flat No 5 of 'Gulistan' Arcade, Nagpur	---
6.	City Survey Record of C S No 22/1, Mahabaleshwar	---
7.	Share Certificate of 30000 shares in Diamond Trading Company Ltd	---
8.	Letter of Petitioner	15 Aug 2011

Total documents eight only.

Date: 16 Jan 2012

Documents 2-8 may be exhibited. P K Jain

SRKS

(Adv for the Petitioner)



(Petitioner)

// Shree Gajanan Prassanna //

WILL

I Rajan Ranjan, age: 65 yrs, residing at Ajinkya Apartments, Block no. 9, 15th June Road, Bangalore 5, I am making my will as given below

1. I have not made any will before. This is my last will.
2. I permanently stay at Pune at 'Ranjan-Vihar', M.G. Road, Shivajinagar, Pune 411001 with my wife Mrs. Kusum Ranjan, my daughter Ms. Laxmi Ranjan, my mother Smt. Sunanda Ranjan and my youngest son Mr. Sumit, Sumit's wife Mrs. Janaki and his two daughters Ms. Anita and Ms. Sunita. My older son Mr. Amit Ranjan stays at 15th June Road, Ajinkya Apartments Block No.9, Bangalore 5 with his son and daughter Ms. Sharayu and Mr. Sharad
3. I have happy married life with all my relatives. I am happy that although I studied only till SSC and cannot speak good English but my children could go to the best convent school in Pune and are double graduates.
4. I have properties of which a list is given below
5. I have made these properties from my own income. I studied at Kolhapur till 6th std. and came to Pune with my parents. My first business was when I was 18. It was a 'Paan' shop outside La Meridian in Pune. My business grew and I purchased my Pune house. I used to lend money to needy people and earned substantial interest. I started a hotel 'Aaraam' in Wanowari area when I was 28 but closed it when I was 45 I did many businesses like petrol pump, grocery shop, construction of two ownership building, development of commercial complex, managing 3 cinema theatres. From all my income I purchased the properties given in the list.
6. I am making this will because I am going to undergo an operation tomorrow. Life is uncertain. I have avoided making the will till now, but Amit has convinced me the importance of making the will. I think I must distribute my properties so that all my relatives are taken care of and I hope they will accept whatever I give them by this will and will not complain.
7. I am giving in this will my properties as follows

- a. My bungalow 'Ranjan Vihar' at Pune I give to Amit and Sumit equally. But my wife Mrs. Kusum and my mother Smt. Sunanda will stay in the bungalow till they are alive. My daughter Ms. Laxmi will stay in the house till her marriage. If Amit and Sumit want to sell or develop it they must first provide a place for residence to the three of them and they must also pay 1/3rd of the price to my wife Mrs. Kusum.
 - b. All my three flats in 'Ajinkya' building at Bangalore, I am giving to my son Amit. He can live there himself or can give on rent.
 - c. My flat in 'Gulistan' at Nagpur I give to my younger son Sumit.
 - d. My house and garden at Mahabaleshwar I give to Mrs. Sameera Chandrashekhar. I and Sameera were neighbors in Kolhapur. We went to the same school. She is today a well-known classical singer and has received 'Padmashree'. I listen to her concerts with interest. I am giving this property to her because I appreciate her achievement. I hope she will use this for development and education of classical music.
 - e. Most of my gold jewelry in the house belongs to my mother, wife, daughter and daughter-in law. I have personal jewelry, gold and silver. I give all this to my wife Mrs. Kusum, my daughter Ms. Laxmi and my two daughters-in-law Mrs. Amruta and Mrs. Janaki.
 - f. I have a collection of articles and things in my house that I have received as gifts or collected from different parts of the world. I am giving them to my wife Mrs. Kusum and son Mr. Sumit.
 - g. I have 30% (i.e. 33,000) shares in Diamond Trading Co. Ltd. The shares are listed on the stock exchange and have a good price. My daughter Ms. Laxmi has studied management, hence I give these shares to her. I hope she will manage it well.
 - h. I give by this will Rs. 10,00,000/- to J.P. Patil High School, Shanivar Peth, Pune. I had studied here in the night school till the SSC. I wish that they will use this amount for the purposes of night school.
 - i. Everything else, I am giving to my son Amit.
8. I appoint Amit as executor of this will. I hope Amit will take care of all after me. I again wish that my relatives will accept my will happily.
 9. I am making this will because life is uncertain. Through this Will I am making provision for all my near and dear ones.
 10. This Will shall come into effect only after my death.

I have put my signature on this will voluntarily and without pressure, at Bangalore on 4th day of Feb, 2001 in the presence of the witnesses.



Rajan Ranjan

(Rajan Ranjan)

Witnesses

1. *Atish K Singh*

Atishkumar Singh

Ajinkya Apartments, Block no.10

15th June Road, Bangalore 5

2. *sahani shashi*

Shashidar Sahani

Madhumitha Apartments

Flat No.14

St. Peters' Road,

Bangalore 7

Medical Certificate

I certify that Mr. Rajan Ranjan is in a fit physical and mental condition for making the will. I am signing this certificate on this 4th day of Feb, 2001.

Deepti

Dr Deepti Patil

Dr Deepti Patil, MD
(Med)
Family Physician
Reg No. 56789B7
20, 15th June Road,
Ajinkya Apts, Bangalore

Amit Ranjan
Block No.9
15th June Road,
Ajinkya Apartments
Bangalore: 5
15 Aug 2011

To

1. Mrs. Kusum Ranjan
2. Mr. Sumit Ranjan
3. Mrs. Janaki Ranjan
'Ranjan Vihar',
M.G. Road, Shivajinagar
Pune 411001
4. Mrs. Lakshmi Gupta
Shivtirth Apt, Flat No. 12, 4th floor
Paud Road, Pune 10
5. Mrs. Sameera Chandrashekhar
Chitrakar Ketkar Marg
Vishesh CHS, Vile-parle East
Mumbai
6. The Secretary
J.P. Patil Education Society
Shanivar Peth, Pune 411004

Madams and Sirs

Shri. Rajan Ranjan my late father passed away on 25th May 2011 at Pune.

He had made will on 4 Feb 2001. A copy of the will is enclosed. By the will he has given the properties to all of you.

I am the executor of the will.

This letter is to inform you about the will, so that I can pursue further administration of his estate.



(Amit Ranjan)

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION PUNE
AT PUNE**

Misc. Appln. No.25/2012

Amit Ranjan Rajan

...

Petitioner

Reply on behalf of Mrs. Sameera Chandrashekhar, Chitrakar Ketkar Marg
Vishesh CHS, Vile-parle East Mumbai, to the application for probate as follows;

1. I have received notice from the court about grant of probate of the will of late Mr. Rajan Ranjan, and I have been cited as a legatee of the will.
2. I am not related to the deceased late Mr. Rajan Ranjan or any of his close relative. I was neither acquainted with nor did I deal with Mr. Rajan Ranjan at any time in my life. I do not remember whether late Rajan Ranjan and I studied together at Kolhapur.
3. I do not wish to take any property under the will and I hereby disclaim the legacy. I have already informed the Petitioner and other relatives about my disclaimer by my letter dated 15 Sept. 2011. I have produced this letter.
4. The association with Late Mr. Rajan Ranjan or his property has caused and is likely to cause embarrassment to me. Hence I do not wish to participate in this proceeding.
5. It is therefore prayed that this Hon'ble court may record my disclaimer and pass such order as it deem fit.

22 April 2012



Mrs. Sameera Chandrashekhar

Kumar Sakhi

Advocate

Verification

I Mrs. Sameera Chadrashekhar, Age:73 yrs, R/at: Chitrakar Ketkar Marg, Vishesh CHS, Vile-Parle East Mumbai, the Respondent herein do hereby state and declare on solemn affirmation that the contents hereinabove are true and correct to the best of my knowledge and belief and hence I have signed hereunder on this 22 April 2012.



Mrs. Sameera Chandrashekhar

In the Court of Civil Judge Senior Division Pune at Pune

Misc. Appln. No.25/2012

Amit Ranjan

.....Petitioner

List of Documents filed on behalf of Mrs Sameera Chandrashekhar is as follows

	Description	Date
1.	Reply to Petitioner	15 Sep 2011

Total documents one only.

Date: 22 April 2012



Mrs. Sameera Chandrashekhar

Kumar Sakhi

Advocate

Sameera Chandrashekhar

15 Sep 2011

To

Mr. Amit Ranjan
15th June Road, Ajinkya Apartments
Block No.9, Bangalore: 5

Dear Mr. Amit Ranjan

Thank you for your letter dated 15 Aug 2011.

Please accept my condolences on death of your father Mr. Rajan Ranjan.

I don't remember having met him. Mr Ranjan has been magnanimous in giving to me the house at Mahabaleshwar. But I don't wish to take this house or any property stated in the will. I also request you not to give publicity to the bequest or my non acceptance.

I hope you will understand that I wish to keep away for such publicity.

Thanking you.



Mrs. Sameera Chandrashekhar

C.C. To

1. Mrs. Kusum Ranjan
2. Mr. Sumit Ranjan
3. Mrs. Janaki Ranjan
4. Mrs. Laxmi Gupta
5. Mrs. Sameera Chandrashekhar
6. The secretary, J.P.Patil Education Society

In the Court of Civil Judge Sr Division Pune at Pune

Misc. Appln. No.25/2012

Amit Ranjan Rajan

...

Applicant

Reply on behalf of Smt. Kusum Ranjan, Mr. Sumit Ranjan, all R/at: 'Ranjan Vihar', M.G. Road, Camp, Pune 411001, Mrs. Laxmi Gupta R/at: Shिवtirth Apartment, Flat no. 12, 4th floor, Paud Road, Pune 10 to the petition for probate as follows;

1. The Petition for probate is entirely false and misconceived.
2. The Petitioner has no right and authority to file the petition. This court has jurisdiction to try and entertain the petition.
3. The Respondents submit that the will filed by the Petitioner is not valid and is not the 'last valid will' of the late Mr. Rajan Ranjan.
4. The Respondents submit that the signature on the will is not the signature of Mr. Rajan Ranjan. Mr. Rajan Ranjan was in pain and suffering from an attack of gastric ulcer. He was hospitalised the day after the will was made. The Petitioner informed about the illness and hospitalisation of Mr. Rajan Ranjan on the day of hospitalisation. The Respondents rushed to Bangalore and reached the hospital the day after operation for gastric ulcer. Neither Petitioner nor the deceased told the Respondents about any will. Respondents do not admit that the will has signature of the deceased.
5. Assuming, without admitting, that the signature on the will is of the deceased, the Respondents submit that the deceased was not of sound mind when he made the will.
6. The Respondents state that the deceased suffered from extreme pain and discomfort on the day he made the will. His condition was so severe that he was hospitalised on the same night and operated on the same day in Minerva hospital at Bangalore.
7. The Respondents submit that due to illness and pain the deceased was not of a sound mind at the time the will was made.
8. The Respondents also submit that the will is invalid because of lack of free consent and the free agency of the testator at the time of the will. The will has been made under force and pressure caused upon by the Petitioner. The mind of the deceased. The deceased at the time was on a short trip to the Bangalore and was visiting the Petitioner casually. He had an attack of pain and the Petitioner took disadvantage of the situation and got the will made. Because of the illness the testator was under the complete control of Petitioner, depended on Petitioner for treatment and feeble state of

health. All these circumstances indicate that the will was made under suspicious circumstances affecting the free agency of the testator. The will was made at the instance of the petitioner.

9. The Respondents submit that the will was not made out of the free will of the deceased. The Respondents are deprived of their share which they would have got under intestate succession and the Petitioner has got disproportionately large share. This shows that Petitioner prevailed upon the deceased to obtain the disproportionate share in the total assets of the deceased and also in residuary.
10. The Respondents submit that the Petitioner never informed these Respondents about the will after it was made, the Respondents came to know about the will after the death of the testator, when they received the letter of Petitioner dated 15 Aug 2011.
11. The Respondents submit that the deceased also never told the Respondents about making of the will.
12. The Respondents submit that the will is invalid and the Respondents have each one fourth share in all the properties of deceased i.e. Mr. Rajan Ranjan.
13. Without prejudice to above statement the Respondent submits that even if the will is valid the Respondents are entitle to 1/4th share each in the house and garden of the Mahabaleshwar as mentioned at sr. no.4 in Schedule A of the petition. Respondents submit that because Res. No. 6 Mrs. Sameera Chandrashekhar has disclaimed the legacy, the Respondent No. 1 to 4 has 1/4th share.
14. The Respondents therefore pray that;
 - a. The Petition may be dismissed;
 - b. It may be declared that the Respondents Mrs Kusum Ranjan, Mr Sumit Ranjan and Mrs Lakshmi Gupta have 1/4th share each in the properties of Mr. Rajan Ranjan.

Filed on: 15/7/12

Pune

PK Gain

(Adv for the Objectors)

Mrs K R Ranjan

(Kusum Rajan Ranjan)

Sumit Ranjan

(Sumit Rajan Ranjan)

lakshmi ranjan-gupta

(Lakshmi Gupta)

(Objectors)

In the Court of Civil Judge Senior Division Pune at Pune

Misc. Appln. No.25/2012

Amit Ranjan

.....Petitioner

v.

Kusum Ranjan and others

.....Objectors

List of Documents filed on behalf of the objectors are as follows

No.	Description	Date	Page No of brief
1.	Notice Reply sent to Mr Amit Ranjan with Post Acknowledgment	4 Feb 2001	

Total documents one only.

Date: 15 July 2012

PK Gain
(Adv for the Objectors)

Sumit Ranjan
(Objector)

31 Aug 2011

To

Mr. Amit Ranjan
Block No.9, 15th June Road,
Ajinkya Apartments
Bangalore: 5

Dear Sir,

My clients (i) Mrs Kusum Rajan Ranjan, (ii) Mr Sumit Ranjan, both residing at 'Ranjan Vihar', M.G. Road, Shivajinagar, Pune 411001, and (iii) Mrs Lakshmi Ranjan Gupta residing at Shivtirth Apt, Flat no. 12, 4th floor, Paud Road, Pune 10, have received your notice dated 15 August 2011, and have instructed me to give reply to it as follows:

1. My clients deny that late Mr Rajan Ranjan made any will as alleged by you. My clients deny that the signature and thumb impression on the will that you sent with the notice, is the signature or thumb impression of late Mr Rajan Ranjan.
2. My clients state that in February 2001, late Mr Rajan Ranjan was critically ill. He was particularly unwell between 2 February to 5 February, when he was operated for gastric ulcer. He suffered from extreme pain and discomfort on the date of the will, and days before that.
3. Without prejudice to the above, my clients state as the following.
4. My clients state that the will is invalid because of lack of free consent and free agency of late Mr Rajan Ranjan at the time the will appears to be made. You deliberately avoided to call my clients at the time. You deliberately avoided giving information of Mr Rajan Ranjan's illness from my clients until the operation had happened.
5. My clients state that you took disadvantage of the pain and poor health of Mr Rajan Ranjan and got the will made from Mr Rajan Ranjan. He was totally under your control. He was dependent upon you for treatment and was in feeble state of health. If Mr Rajan Ranjan were physically fit, he would not have made the will at that time.
6. My clients also state that you have also deliberately avoided informing my clients about the will from the time it was made until now.
7. My clients state that the will is invalid. My clients each have 1/4th share in the properties of Mr Rajan Ranjan.
8. My clients call upon you not to deal with the properties of Mr Rajan Ranjan without my clients' consent.

Sincerely,

PK Jain
(Advocate)

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION PUNE
AT PUNE**

Misc. Appln. No.25/2012

Amit Ranjan Rajan

...

Petitioner

Purshis

Purshis filed on behalf of Mrs. Janaki Rajan is follows:

This Respondent is adopting the reply filed by Mrs Kusum Ranjan, Mr Sumit Ranjan and Mrs Lakshmi Gupta.

Filed on: 15/7/12

Pune

Rajani JS

Mrs. Janaki Rajan

 Sagrut Samir

Advocate

Verification

I Mrs. Janaki Rajan, Age: 45 yrs., R/at: 'Ranjan Vihar', M.G. Road, Camp, Pune 411001, the Respondent herein do hereby state and declare on solemn affirmation that the contents hereinabove are true and correct to the best of my knowledge and belief and hence I have signed hereunder on this 15th Day of July 2012.

Rajani JS

Mrs. Janaki Rajan

AFFIDAVIT

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION PUNE

AT PUNE

Special Civil Suit No. 579/14

Amit Ranjan Rajan

... Plaintiff (original Applicant)

V/s

Mrs. Kusum and Others

... Defendants (Opponent)

I Mr. Amit Ranjan, age: 50 yrs, Occupation Service, residing at Ajinkya Apartments Block No. 9, 15th June Road, Bangalore, son of late Mr. Rajan Ranjan do hereby state on solemn affirmation as follows:

1. I am the eldest son of deceased Mr. Rajan Ranjan. Mr. Rajan Ranjan died in Pune on 25 May 2011. At the time of his death his close relatives are my mother Smt. Kusum, my younger brother Sumit, his wife Janaki, and his two children, my married sister Lakshmi Gupta, her husband Ajit and their children, myself, my wife Amruta and my two children.
2. My father permanently stayed in Pune in 'Rajan-Vihar', my mother, grandmother, my brother and his family stayed with my father at Pune. My sister got married on 20 Dec 2002 and stays with her husband in their bungalow at Pune.
3. My father made a will on 4th Feb 2001. By this will he has appointed me as executor. I have therefore applied for probate of this will.
4. In January 2001 my father with my mother came to Bangalore to celebrate *Sankranti* festival with us. My mother went urgently to Pune, but my father stayed back. Both of them would usually spend a couple of weeks in Bangalore with us every quarter of the year.
5. On 2nd Feb 01, my father felt sick, vomited and complained of extreme pain on the left side. There were traces of blood in his vomit. I immediately called our family doctor Dr. Deepti Patil. I thought it was a heart attack. Dr. Deepti Patil examined him. She suspected that he had ulcer or similar problem. She advised me to admit him in hospital and complete investigations. She also gave a prescription addressed to Minerva Hospital.
6. On the same evening I got admitted my father to the hospital for the purposes of investigation. Various investigations continued until late afternoon of 3rd Feb. after investigation my father wanted to come home. The doctors also allowed him to go home after planning his surgery for the 5th Feb 2001.
7. In the evening of 3rd Feb my father told me that he had avoided making his will but would like to make it. I asked him whether I shall call my lawyer. He said that was not required. He said he will narrate the will to me and I should take dictation on my laptop and get it printed.

8. He narrated the will to me, in his own style. I took it down in English on my laptop. I spoke the words loudly as I typed. I typed everything that my father told me. After completing the dictation I again read out the whole to my father. He asked me to print it and bring it for signature.
9. I printed the will on my printer and kept it ready for signatures. I called my neighbour Mr. Atishkumar Singh on phone and requested him to come as witness. I also called Shashidhar Sahani. He also agreed. They both were working and they came in the evening on the 4th February.
10. At 7 o'clock in evening I gave the printout to my father. He read it and signed it at the end. He told me to bring a stamp pad to put his thumb impression. He took the stamp pad from me and applied his thumb impression near his signature. The will has the left hand thumb impression of my father. The signature on the will and thumb impression are of my father. He signed and put the thumb impression in front of me. After his signature he requested Atishkumar to sign. Mr. Atishkumar signed. He then requested Shashidhar to sign. Mr. Shashidhar signed it. Dr. Deepti Patil came after 15 minutes. She examined my father. She asked him questions. She then wrote the certificate under the will and signed it.
11. My father recovered from the operation and went to Pune in the last week of Feb 2001. After the will was made he asked me to put it in the envelope and asked me to seal it with gum, which I did. He gave it to me and told me to keep it in a safe place.
12. My father died on the 25 May 2011 at Pune. I immediately sent notice dated 15 August 2011 to the relatives and the legatees under the will about administration. I have filed the copy of the notice and the postal acknowledgments. The signature on the office copy is mine. Its contents are correct.
13. I state that this will is the last and the valid will of my father. I have made this application as an executor and I am seeking the probate.

Whatever stated herein above is true and correct to the best of my knowledge, belief and information and hence, I have signed hereunder on this 22nd day of September 2014 at Pune.



Petitioner

(Amit Ranjan)

I know the affiant



Advocate

Cross examination by Advocate for Defendant no. 1 and 2

14. I am staying in Bangalore since 1995 in 'Ajinkya' Building where I am staying now. I stay there with my wife Amruta and my two children. My father permanently stayed at Pune. He would visit us about a week in every quarter of the year. My mother also came with him during some of the visits.
15. My father did many businesses during his life. He ran a hotel, cinema hall and also did construction and development. He did business in Pune only. I had shares in some of his businesses as partner or shareholder. I never managed any of his businesses. He had appointed company secretaries and CAs to look after these businesses. It is true that he had engaged many lawyers concerning his different activities. It is true that one Mr. P.K.Jain was his lawyer who stays in Pune. It is true that he consulted Mr. P.K. Jain on all matters relating to his properties and personal proceedings. He has other lawyers to look after business matters. I know Mr. P.K. Jain personally. It is true that I have consulted him for my personal matters. It is true that Mr. P.K.Jain is not merely a lawyer but my father's friend. I have Mr. P.K. Jain's telephone number and contact details since 1995. It is true that I never contacted Mr. P.K.Jain between 2nd to 4th Feb 2001. It is not true that my father asked me to show the contents of the will to Mr. P.K.Jain. It is true that I did not suggest to my father that the draft of the will can be shown and discussed with Mr. P.K.Jain. Mr. P.K Jain has an e mail address. It is true that I have corresponded in the past with him by email. I cannot state any reason why I did not call or write to Mr. P.K.Jain to show him the draft. It is not true that I did not call Mr. P.K Jain because I feared that he would take exception to the larger bequest in my favour in the will. I cannot say whether my father would have consulted Mr. P.K.Jain before making the will.
(The witness volunteers.... My father understood the law and could take decisions on his own)
16. It is true that my father had two licensed arms. I do not know where they are now. It is true that at the time of his death anti-terrorism criminal cases were pending against him. It is true that he was involved in many more civil and criminal proceedings concerning his businesses. It is true that he depended on advice of lawyers in relation to his legal matters. He had studied only till SSC. He was not fluent in the English language. I again say he understood English but could not speak it well. It is true that he spoke with his lawyers and consultants mainly in Marathi. It is true that when I say that my father dictated the will to be, he did not narrate it to me in English. It is true that I can edit text on my laptop in Marathi language. I can type Marathi on my laptop. It is true that I can speak and write Marathi fluently. It is true that my printer can print Marathi. It is not true to say that I typed the will as I wanted. It is not true that I misled my father when I spoke out the words that I typed. It is not true that my father could not understand the English language used in the will. I have no written document of my father written by him in English language.
17. The document of will that I have filed was in my custody. I say that my father gave it to me and told me to keep it. It is true that I never mentioned anything about the will to my father or my mother after it was made. I and my father never discussed the will after it was made. I again say the subject of will never came up between the three of us. I never suggested to my father that he should keep the will with him. I say that I

broke the seal after his death. It is true that except me and the witnesses and the doctor who were present at the time, no one else knew about the will. It is not true that my father was in such physical and mental condition that he did not understand that he was making a will.

18. I did not know about father's friendship with Mrs. Sameera until I typed the will. I have never met Mrs. Sameera. I do not know the reason why my father decided to give the Mahabaleshwar bungalow to her. I again say the reason is mentioned in the will.
19. I did not inform my mother when my father became ill on 2nd Feb 01. I say that I did not inform because I did not want to worry her. It is true that I did not inform my mother that my father was making a will. It is not true that it was my duty to inform her. It is not true that it was my duty to inform Mr. P.K.Jain that my father was making a will. It is true that my father did not tell me that I must inform my mother. It is not true that my father did not tell me so because he was in unfit state of mind because of pain.
20. Dr. Deepti Patil is my family doctor for about 10 years before 2001. I do not remember just now what medicines my father was taking on 2nd to 5th Feb 01. It is true that my father's operation was a planned operation. It is true that it could have been fixed on the 4th Feb 01. It is true that I had taken the decision of the date. I again say I decided the date after consulting my wife. It is not correct to say to that I should have told my mother and brother Sumit about the operation. I told them about the operation after the operation was completed. My mother came the next day and stayed with him for two weeks. It is true that I did not tell my mother at that time about the will. It is not true that I delayed the operation because I wanted to get the will done.
21. My father had never undergone any operation or surgical procedure before 5th Feb 01. It is true that he was tense and worried because it was his first operation. It is not true that I suggested to him that he should make a will. I do not know why my father had stated in the will "I have avoided making the will till now but Amit has convinced me the importance of making the will". It is true that I did not object to this statement. I again say that I typed the statement in the manner he dictated, and I did not want to interfere in what he stated.
22. Mr. Shashidhar is my friend. We both work in the same office for the past 10 years or so. It is true that he works under my supervision at the Software Technologies Pvt. Ltd., Bangalore. It is not true that Shashidhar signed on the will in his own house. It is not true that the entire will has been created after the death of my father. It is not true that the signature and the thumb impression of the testator appearing on the will is not of my father.
23. My father has given 33,000 shares in Diamond Trading Company by the will to my sister. I have not produced any document to show that the value of the share in 2001 was Rs. 1,500/-. I cannot say on what basis I have stated that amount. These shares continue to stand in my father's name today. I have I no evidence with me to show that the market value was 1500/- Rs. per share.

24. My father started dictating the will to me at night on 3rd Feb. we returned home on the 3rd Feb from the hospital at 7 P.M., i.e. after dark. My father had dinner and then he told me to bring my laptop and take dictation. He started telling me the will around 9 O'clock and the dictation continued till 11 O'clock. It is true that on the 3rd Feb, my father underwent investigation on different equipment and different rooms at Minerva Hospital. It is true that he was taking medicines on that day. I cannot say now which medicines he was taking on that day. I do not have the medical papers about the treatment. I do not remember whether my father took away the medical papers when he went to Pune.
25. It is not true that the thumb impression on the will is not an impression of the left hand of my father. I do not remember whether the will faced him when he put the thumb impression. It is true that I gave him the stamp pad that I had at home. It is true that I opened the stamp pad for him. It is true that I helped him with the stamp pad for applying the ink on his left thumb.
26. I do not have the laptop on which I took dictation. I might have the file in my computer back-ups containing the will. I can produce the file if the court asks me to.

Cross postponed to 12-11- 2014 for further examination and production of file.

J Moghe-Patil

C.J.S.D.

2-11- 2014

Cross examination resumed on 12-11-2014

27. I could not find the soft copy of the file relating to the will in my computer. It is not true that I am stating false that I do not have it. It is not true that I am not bringing the soft copy to the court because it will show adversely against me about the time of dictation and how long the dictation took.
28. I now say that I had also made an audio recording of my father's dictation. I have not brought that recording with me today. I cannot give a reason why I made audio recording. It is not true that I never made any audio recording.
29. The dictation of the will went on for 3 hours. My father gave dictation while lying down on the bed. It is not true that he was in tired condition or under the influence of medicines when he gave dictation. It is not true that my father has never dictated will to me.
30. It is true that in terms of value I have received property of highest value under the will. It is true that the value of immovable property received by my brother is less than 1/3rd of the property that I received. I have included in the schedule all the property of my father of which I knew. My father used to lend money to needy people. He would lend money for business purposes and for personal purposes. He did not have money lending licenses. I have not included in the schedule the amount of money which people owed to my father. Some of these monies I have received. I

have yet to receive other amounts. I can give a list of amount I received from my father's debtors. I do not have any reason why I did not include these amounts in the Schedule of the Petition.

31. It is not true that my father never dictated the will to me. It is not true that I prepared the will on my own without showing it to my father. It is not true that my father was not in a condition on 4th Feb to understand his own actions. It is not true that my father was under the influence of medicine and was in pain on 3 and 4th Feb. it is not true that I influenced my father to sign the will. It is not true that I suggested to my father on 3rd of Feb that he must make his will. It is not true that I deliberately avoided calling my mother or my brother because I wanted to get the will made. It is not true that I deliberately kept secret about the will till 2011, because I was afraid that my father will cancel or change the will.

Read over and admitted to be correct

Pune

J Moghe-Patil

C.J.S.D.

12 November 2014

AFFIDAVIT

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION PUNE AT PUNE

Civil Suit No. 579/14

Amit Ranjan Rajan

... Plaintiff (original Petitioner)

V/s

Mrs. Kusum and Others

... Defendants (Opponent)

I, Atishkumar Singh, age: 52 yrs., occ: service , r/at: Ajinkya Apartments Block No. 10, 15th June Road, do hereby state on solemn oath and affirmation as follows:

1. Amit and I stay in the same building in Ajinkya Apartments, Bangalore. I am staying on the same floor as Amit. I am staying in my flat since 1995. Amit and I came to stay in our flats around the same time. My relations with Amit are good and friendly. I know Amit's father Mr. Rajan Rajan. I would meet him and sometimes have dinner or breakfast with him whenever he came to stay with Amit. He considered me as his son. I have also been to stay in the Pune house of Amit's father.
2. On 4th Feb 2001, Amit called me in the afternoon and asked me whether I can sign as a witness on his father's will. So I went to his house around 7.30 pm.
3. Amit's father was lying down on the sofa in the living room watching television. When he saw me, he held his will in his hand and requested me to sign it. He opened the page for my signature and told me that he had put his signature and thumb impression on the last page of the will. After some time Mr. Shashidhar also came. Amit's father showed his signature to Mr. Shashidhar and requested Mr. Shashidhar to sign as witness. Shashidhar and I sat in front Amit's father in their living room across the low table. I signed first on that will and put my name and address. Shashidhar signed after me and put his name and address. I recognised the signature of Amit's father on the will because he told me that it was his signature. The signature as witness is my signature.
4. We agreed to wait till the doctor arrived for the doctor's certificate. Amit's father walked to bed room. The lady doctor Mrs Patil came after half an hour. We all went to the bed room. The doctor examined Amit's father and asked him questions. Then the doctor signed the certificate in our presence.

Whatever is stated herein above is true and correct to the best of my knowledge, information and belief, and I have signed this affidavit on 22 September 2014.

Atish K. Singh

Affiant

I know the Affiant

SRKS

Advocate

Examination in Chief by Advocate For petitioner

5. I now see the will of Amit's father. The signature of the testator on the last page is the signature of Amit's father Mr. Rajan Ranjan. He told me that it was his signature and thumb impression. I then signed as first witness. (The will is exhibited and marked Exh. 95).

Cross examination by Advocate. For the Defendants

6. It is true that Amit's father did not sign the will in our presence. It is true that Amit's father did not put the thumb impression in my presence. I gave statement that the signature is of Amit's father only because Amit's father told us that it was his signature. I have never seen Amit's father sign any document.
7. When I went as a witness Amit's father was lying down on the sofa. He was watching television. He did not speak anything except telling us that he had singed and we should sign as witness. After Shashidhar's signature, he told Amit he would like to sleep in his bed. It is true that Amit supported him while he walked to the bed. It is true that I did not ask Amit's father about his health. I again say that I inquired about his health with Amit. Amit told me that the operation was fixed on the next day morning. It is true that I did not ask Amit's father when he had made the will.
8. I do not know Marathi. It is true that Amit's father did not speak with me in English whenever we met. I cannot speak Hindi very well. I would talk to Amit's father in English, he would talk to me in Hindi. I did not inquire with Amit why the will was made in English. I again say Amit's father could speak broken English.

Read over and admitted to be correct

Pune

J Moghe-Patil

C.J.S.D.

12-11-2014

Pune

AFFIDAVIT

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION PUNE

AT PUNE

Civil Suit No. 579 / 2014

Amit Ranjan Rajan

... **Plaintiff** (original Petitioner)

 V/s

Mrs. Kusum Ranjan and Others ... Defendants (Respondents)

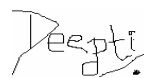
I, Dr. Deepti Patil, Age: 55 yrs., Occupation: Medical Practitioner, R/at: 'Ajinkya' Apartment, Block no. 20, Bangalore 5, do hereby state on solemn oath and affirmation as follows :

1. I am MD, and physician. I practice more as a general practitioner. I have my clinic in Ajinkya building and one more at Linking Road, Bangalore. I often visit patients at their residence. I know Mr. Rajan Ranjan. I have met him in the house of Mr. Amit Ranjan. Mr. Rajan Ranjan stayed in Pune. He used to come to Bangalore to visit his son Mr. Amit Ranjan. I would meet him during such visits.
2. On 2nd Feb 2001 I received a phone call from Amit in the morning he said that his father was in extreme pain and there were traces of blood when he vomited. I immediately rushed to his house, which is above my clinic. I examined Mr. Rajan Ranjan. He was in extreme pain on the left side.
3. Seeing his condition I advised Mr. Amit to get investigations done. I recommended him to make tests in the Minerva Hospital. I told him and his father that they must do investigations very urgently. I also wrote a note to the hospital with the list of investigations to be carried out.
4. Two days after, i.e. on the 4th Feb 2001, morning I received a call from Mr. Amit that his father wanted to talk to me. I went after all my patients were attended to, around lunch time. Mr. Amit showed me the reports of investigation. Mr. Amit told me that his father was advised surgery. He also told me that further results are awaited that would confirm that there was no malignancy. Mr. Amit took me to Mr. Rajan's bed room. He was not in pain. Mr. Amit told me that he was given a pain killer. I saw all prescriptions and reports. I told Mr. Rajan that this was a normal routine operation and there was no cause for concern and worry.
5. Mr. Rajan then told me that he wanted to make a will before he was admitted to the hospital. He requested me to come in the evening or at night, and give a certificate on the will. I asked him whether the will was ready. He told me that he has given details about the will to Mr. Amit, and it will be ready for signatures by the evening. I asked

him that it was not necessary to make a will right away. I told him that the operation need not worry him. He said that he must make the will at that time.

6. On 4th Feb 2001 Mr. Amit called me at 8.30 P.M. I closed my clinic and went to his house. Mr. Rajan gave me the will in my hand and asked to sign it. I checked Mr. Rajan's blood pressure and his pulse. I also checked his eyes and tongue. I asked him what was the document. He said it was a will. I asked him what he has written in the will. He said that he had divided his properties mainly between his sons, and also his other relatives. I asked him whether he was sure to make the will at that time, and should he not postponed it after the operation. He said he wanted to finish making the will before he was admitted to the Hospital. I wrote the certificate on the will. I had found him to be in a fit physical and mental condition for making the will. I signed my certificate. The signature on the will below the certificate is mine. I put my stamp on the certificate.

Whatever stated herein above is true and correct to the best of my knowledge, belief and information and hence, I have signed hereunder on this 22nd day of September 2014 at Pune.



Affiant

(Dr. Deepti Patil)

I know the affiant

SRKS

(Advocate)

Cross examination by Adv. for Defendant no. 1 and 2

7. I know Mr. Amit Ranjan since last 20 years. It is true that I am their family Doctor. It is true that there was never an occasion to give treatment to Mr. Rajan Ranjan before 2 Feb 01. It is true that Mr. Ranjan never consulted me before Feb 01.
8. It is true that on 2nd and 4th of Feb 01, Mr. Amit called me on all three occasions. It is true that on 2nd Feb 01, Mr. Rajan didn't mention about any will. When I met Mr. Rajan on the 4th Feb, he was lying on the bed in the bed room. It is true that Mr. Rajan did not talk to me at all about his illness and sufferings at that time. It is true that Amit mentioned first that Mr. Rajan wanted to make a will. I do not know the reason why Mr. Rajan wanted to make the will on that day. I did not ask him the reason. I do not know who bore the expenses for investigation and treatment. It is not true that Mr. Rajan was under the influence of sedatives. (The witness volunteers..... that classical vocal music was playing in the room at that time. Mr. Rajan asked me to sit and listen. After twenty minutes he told me that it was a piece

sung by a singer Sameera. He told me that Sameera and he were classmates in school and he was listening to her records since early morning. He also told that he has a collection of all Sameera's records.). I am not fond of classical music I did not know Sameera before that day.

9. It is true that Mr Amit made the phone call at 8.30 P.M. on the 4th Feb and he told me on the phone that I must come for giving Doctors certificate on the will.
10. When I went for the purpose Mr. Athishkumar Singh from our building was there, and one more gentlemen. When I wrote the certificate, the will had Mr. Rajan's signature, and his thumb impression. There were signatures of the witnesses below it. I did not ask whose signatures were there. It is true that these three signatures and thumb impression were put before I reached the house. I do not know whether the signature and the thumb impression is that of Mr. Rajan or not. It is not true that I did not examine Mr. Rajan at that time.
11. I gave the certificate in the bed room. Mr. Rajan was sitting on the bed and propped up by pillows. It is not true that I wrote the certificate in my clinic without examining Mr. Rajan. I never visited Mr. Rajan in Minerva Hospital after that operation.

Read over and admitted to be correct

J Moghe-Patil

C.J.S.D. Pune
12-11-2014

AFFIDAVIT
IN THE COURT OF CIVIL JUDGE SENIOR DIVISION PUNE
AT PUNE

Civil Suit No. 579/14

Amit Ranjan Rajan	... Plaintiff (original Applicant)
V/s	
Mrs. Kusum and Others	... Defendants (Opponent)

I Smt. Kusum Ranjan, age 74 years, occupation – housewife, residing at ‘Ranjan Vihar’, M.G.Road, Shivajinagar, Pune 411001, do hereby state on solemn oath and affirmation as follows:-

1. Late Mr Rajan Ranjan was my husband. We were married in 1965. I was a graduate at that time and my husband was running his own hotel. We belong to the same caste. We have three children. Amit is the eldest. Sumit is second. My daughter Lakshmi is the youngest. My husband and I stayed at Pune. When my husband constructed the bungalow ‘Ranjan Vihar’ we started staying there.
2. Amit is M.E. After his education he has been employed in Bangalore. When my husband purchased flats in Ajinkya building Amit and his family occupied one of the flats. He has always stayed in Bangalore after completing studies. My younger son Sumit is a C.A. He was initially employed but soon started his own practice. He has his own office in Pune. He stays with his wife Janaki and his two children with me in ‘Ranjan Vihar’ bungalow at Pune. My daughter Lakshmi is a Ph. D. in management. She is a director in a drug manufacturing company. She was married in 2002, to Mr. Ajit Gupta. They stay in Pune at Paud Road with their children.
3. My husband’s mother Mrs. Sunandadevi died in 2003, till her death she was staying with us at Pune. She had not made any will.
4. My husband and I always gave equal treatment to our children. My husband said time and again that he will not differentiate between the daughter and two sons.
5. In Feb 2001, Amit called me and told me about my husband’s illness and ulcer operation only after the operation was done. I was very angry that he did not call me before the operation. I was physically fit to visit Bangalore and take care of my husband at that time. When I went to Bangalore the day after the operation, I stayed with my husband continuously till we returned to Pune, first in the hospital and then Amit’s house. During these 10-12 days my husband never mentioned to me that he had made his will. My husband always consulted me whenever he wanted to buy houses and flats or start a new business. My relations with my husband were such that he would have told me that he had made the

will.. I have looked after his hotel Aaraam and his cinema theatre as chief manger. I was the chief manager of hotel for five years and of the theatre for four years.

6. From 2001 till his death, my husband never mentioned to me that he had made his will. I asked him number of times what arrangement he had made about his properties for our children. He always told me “do not worry I will take care of all of you. How can I do anything unless I talk with you.” Between 2001 till his death, I did ask him couple of times whether he will make a will? He only replied that he had many years to live and there was no hurry. He never mentioned that he has made a will.
7. I state that I came to know about the will for the first time when I received Amit’s letter dated 15 August 2011. Sumit, Lakshmi and I immediately replied to it on 30 August 2011. I have filed my copy of the reply sent on our behalf by our lawyer Shri P K Jain. The Postal Acknowledgement has the signature of Amit.
8. I state that my husband did not realise the importance of signing the document which is the will in this case. I state that his signature is put on the will without understanding the contents of the will.
9. I know Sameera Chadrashekhhar. She is a classical singer. I have attended her concerts with my husband. My husband told me that he and Sameera were classmates in school. He was very proud of this fact.. Whenever we went for the concert he did not introduce me to her at any time. My husband liked classical music.
10. My husband always consulted Advocate P.K.Jain of Pune. He consulted P.K.Jain about day to day affairs. P.K. Jain and his family are friends of our family.
11. I state that the document of will is not valid. I state that Amit had pressurized my husband to sign on it. I state that I have 1/4th share in all the properties mentioned in the probate application.

Whatever is stated above is true to the best of my knowledge, information and belief, and I have signed at Pune on 25 November 2014.

Mrs K R Ranjan
Affiant

I know the Affiant

PK Jain

Advocate

Cross examination by Adv. for Plaintiff

12. My relations with Amit are good even today. After my husband's death I have visited Amit and his family three times. I do not know what happened in Bangalore from 2nd to 5th Feb, 2001. I do not remember whether I had called my husband during these days to talk to my husband. (Witness volunteers: I again say that my husband never called me during these days). I reached Bangalore on 6th Feb. My husband was in hospital at that time he had gained consciousness when I met him in the hospital. We came back to Amit's house after staying in hospital for four days.
13. I cannot tell about the dates and the months when I asked him about the property. I cannot tell dates and month when we had conversation about property. It is not true that we never had these conversations.
14. I cannot state any reason why my husband has mentioned Mrs. Sameera in his will. I again say that my married life has been happy.
15. I cannot say whether the signature and the thumb impression on the will are of my husband or not. (Witness volunteers: He never put a thumb impression on any of his documents.) It is not true to say that he could speak English when he met foreign visitors in relation to his business. I say that I am educated in the English medium.
16. Sumit is ten years younger than Amit. It is true that my husband would consult Amit whenever he wanted to discuss family and business matters. I again say that this was not routine.

Read over and admitted to be correct

JMoghe-Patil

C.J.S.D.

12 Dec 2014