

**HIGH COURT OF TRIPURA
AGARTALA
RFA No.1 of 2025**

- 1. Smt. Alpana Bhattacharjee (Choudhury)** – 56 years,
W/O Lt. Subhash Choudhury
- 2. Sri Shubhradeep Choudhury** – 20 years
S/O Lt. Subhash Choudhury
Both residents of Durai Sibbari,
PS Kamalpur, District- Dhalai,
Tripura, PIN 799287.

----- Plaintiff-Appellants

Versus

- 1. Sri Sankar Choudhury**
S/O Lt. Sachindra Choudhury
Resident of Durai Sibbari
C/O Sweetmeat Shop of Lt. Aghore Das,
Halhali Bazar, PS Kamalpur, District-Dhalai,
Tripura, PIN 799286
- 2. Smt. Sudipta Choudhury,**
W/O Sri Satyajit Ghosh
D/O Lt. Samir Choudhury
Resident of South Manik Bhandar,
near Netaji Club, PS Kamalpur,
District Dhalai, Tripura, PIN-799287

----- Defendant-Respondents

For Appellant(s)	:	Mr. Dipak Deb, Adv.
For Respondent(s)	:	Mr. Samarjit Bhattacharjee, Adv,
Date of hearing	:	10.03.2025
Date of delivery of Judgment & Order	:	25.03.2025
Whether fit for reporting	:	YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

This first appeal is preferred challenging the judgment dated 24.09.2024 and decree dated 04.10.2024 delivered by Learned Civil Judge (Senior Division), Dhalai District, Ambassa [camp at Kamalpur] in connection with case No.TS(Partition) No.1 of 2022.

2. Heard Learned Counsel Mr. Dipak Deb appearing on behalf of the appellant and also heard Learned Counsel, Mr. Samarjit Bhattacharjee appearing on behalf of the contesting respondent-defendants.

3. Before deciding the merit of the appeal let us highlight the subject matter of the dispute for which the suit was preferred. The present appellant filed the suit for partition of the suit land measuring 0.33 acres recorded in Khatian No.798 under Mouja and TK Halhali, PS-Kamalpur, District-Dhalai and also for cancellation of two nos. of registered Wills bearing nos.III-64 and III-65, dated 17.07.2020. According to the appellant-plaintiff, she is the wife of one Subhash Choudhury (since dead) and mother of plaintiff No.2 being minor represented by her mother. The defendant No.1 of the original suit Sankar Choudhury is the full blooded brother of said Subhash Choudhury (since dead) and Samir Choudhury (since dead) was also the full-blooded brother of late Subhash Choudhury and father of Smt. Sudipta Choudhury (defendant No.2 of the original suit). Sephali Chakraborty @ Sephali Choudhury, W/O Late Sachindra Choudhury was the mother of Subhash Choudhury (since dead), Sankar Choudhury and Samir Choudhury (since dead). Said Sephali Chakraborty alias Choudhury was the owners in possession of land measuring 0.33 acre as described in the plaint under old CS plot No.174/p, Pb-441,175,174/p corresponding to Hal Plot Nos.283, 284, 285 of Khatian No.798 at Mouja-Halhali, Tehsil-Halhali, Revenue Circle-Salema, Kamalpur. During his lifetime according to the appellant, Subhash Choudhury (since dead) provided sufficient

financial support to his mother Sephali Chakraborty alias Choudhury for the development and construction of huts and structures on the suit land. He also took the responsibility for taking care of defendant No.2 following the untimely death of their parents in 2014. Subhash Choudhury passed away on 30.04.2019 prior to his mother's death, leaving behind his mother and the plaintiffs i.e. the appellants herein as his legal heirs. Later on Sephali Chakraborty alias Choudhury also passed away on 29.07.2020 leaving behind the plaintiffs now the appellants herein and the respondent-defendants as her legal heirs. Following the death of her mother-in-law, the plaintiff-appellant No.1 submitted a proposal to the defendants for equitable distribution of the suit land. Defendant No.1 assured that upon obtaining the survival certificate and other relevant documents, he would facilitate an amicable partition of the suit property through the execution and registration of a deed of partition and accordingly, the appellant No.1 was awaiting for the same. During the 1st week of March 2021, the plaintiff No.1 again urged the defendant No.1 for amicable partition of the suit land when the defendant No.1 expressed his displeasure and also asserted that the plaintiffs have no rightful claim to the suit property as the original owner i.e., Sephali Chakraborty alias Choudhury had bequeathed the land to the defendants through two separate registered Wills. Hearing the same, plaintiff No.1 made an objection on 11.09.2020 to the Tehsildar Halhali T.K. for withholding the mutation. After that, the plaintiff No.1 collected the certified copy of those two Wills bearing No.III-64 and III-65 dated 17.07.2020 which were executed just few days before the demise of her mother-

in-law. It was alleged that at the time of execution of Wills the testatrix was more than 84 years and she was not mentally and physically sound to execute such Wills. The appellant-plaintiffs on going through the contents of those Wills became astonished to know that there was no mention about the plaintiffs about their share over the suit land. It was further submitted that those Wills were manufactured by the defendants with a view to deprive the plaintiffs from their ancestral property where the original owner earlier orally made equitable partition of suit land amongst three sons. Hence, the plaintiffs i.e. the appellants filed the suit for partition.

4. The suit was contested by the defendants now the respondents herein. The defendant No.1 took the plea that he works in a tea stall on daily basis and living his life in a hand-to-mouth condition since his marriage. His improvised circumstances have elicited profound affection and concern from late mother, the testatrix, who cherished him deeply and remained anxious about his well-being throughout her life. Defendant No.1 demonstrated consistent care and attention towards his mother, who, in consideration of securing her son's future executed a registered Will bearing No.III-64 dated 17.07.2020 thereby bequeathing 0.12 acres of land out of 0.33 acres of land to defendant No.1 which was executed in presence of the witnesses with the full knowledge of all parties including the plaintiffs i.e. the appellants herein.

It was the further case of defendant No.2 i.e. the respondent No.2 herein that her mother died on 19.11.2008 and her father died on 17.07.2013. Following the death of her parents, the testatrix took

care of defendant No.2 and she was brought up and grown up under the care and custody of testatrix. The defendant No.2 rendered service towards her grand-mother i.e., the testatrix until her marriage. As a result, the testatrix had a special love and affection for her and accordingly, the testatrix executed another registered Will bearing No.III-65 dated 17.07.2020 further bequeathing 0.12 acres out of 0.33 acres of the suit land to the defendant No.2 which was executed in presence of the witnesses and with the full knowledge of all parties concerned, including the appellants herein. Moreover, the plaintiffs have a null class of land measuring 0.04 acres of land recorded in Khatian No.870 of Mouja and Tehsil-Halhali and plaintiff No.1 has another land measuring 1.44 acres recorded in Khatian No.473 of Mouja and TK-Halhali. Late Subhash Choudhury purchased the said land measuring 0.04 acre after receiving financial assistance from the testatrix and the same was inherited by both the plaintiffs after the death of Subhash Choudhury. The plaintiff No.1 purchased the land measuring 1.44 acres after receiving financial assistance from the testatrix. It was further submitted that both the Wills in question were written by Dibakar Roy at the request of and as per the version of the testatrix and after going through the contents of the Wills and being satisfied, the testatrix put her signature in presence of the witnesses and the witnesses also signed in her presence. Thereafter, deed writer Dibakar Roy presented those Wills for registration before the Sub-Registrar Office Kamalpur on 17.07.2020 and the Sub-Registrar after verifying the documents and examining the testatrix registered those Wills as per law and the testatrix

executed the said Wills without being influenced by any one and she was in good health and sound mind at the time of executing those Wills. Sri Arun Singh S/O late Tanu Singh of Kamalpur Town and one Sri Tarini Debbarma S/O Late Raj Mohan Debbarma of Vill-Chotosurma were present and signed as attesting witnesses of the aforesaid Wills and both the Wills are valid and proper. Hence, the contesting defendants i.e. the respondents herein by their written statement prayed for dismissal of the suit for partition with costs.

5. Upon the pleading of the parties, following issues were framed by the Learned Trial Court below:

ISSUES

- i) Whether the suit is maintainable in its present form and nature?
- ii) Whether there is any valid reason for cancellation of 2 registered WILLS bearing No.III-64 & III-65 dt.17.07.2020 as claimed by the plaintiffs?
- iii) Whether the description of the suit land is proper?
- iv) What should be the quantum of share of the plaintiffs and the defendants in the suit property?
- v) Is the plaintiffs are entitled to a decree for partition as prayed for?
- vi) Whether the plaintiffs are entitled to any relief or reliefs as claimed by them?

To substantiate the issues, both the parties have adduced their oral/documentary evidence on record in support of their respective contentions. For the sake of convenience, the name of the witness of the parties and their exhibited documents are mentioned herein below:

Plaintiff's witness:

- i) PW-1: Smt. Alpana Bhattacharjee (Choudhury),
- ii) PW-2: Sri Chandra Mohan Saha
- iii) PW-3: Sri Benu Malakar

Defendant's witness:

- i) DW-1: Smt. Sudipta Choudhury
- ii) DW-2: Sri Subhash Chandra Das
- iii) DW-3: Sri Dibakar Roy
- iv) DW-4: Sri Arun Singha

Plaintiff's Exhibits:

- i) Exbt.-1: Certified true copy of Khatian vide no.798 of Mouja Halahali in the name of Shefali Chakraborty @ Choudhury;
- ii) Exbt.-2: Certified true copy of the WILL vide no.III-64 dated 17.07.2020 in three sheets, as a whole (SO);
- iii) Exbt.-3: Certified true copy of the WILL vide no.III-65 dated 17.07.2020 in three sheets, as a whole (SO);
- iv) Exbt.-4: Received copy of objection dated 11.09.2020 address to the Tehshilder, Halahali T.K. in one sheet (SO);
- v) Exbt.-5: Death certificate of Late Shubash Choudhury (compared with the original);
- vi) Exbt.-6: Survival certificate of Late Subhash Choudhury (compared with the original);
- vii) Exbt.-7: Photocopy of death certificate of Late Shefali Choudhury dated 06.08.2020, on admission by the defendants.

Defendant Exhibits:

- i) Exbt.-A: Original copy of registered WILL bearing no.III-64 dt. 17.07.2020 containing 02 pages, as a whole;
- ii) Exbt.-A/1: Signature of DW-3 on Exhibit-A, on identification;
- iii) Exbt.-A/2: Signature of DW-4 on Exhibit-A, on identification;
- iv) Exbt.-A/3, A/4, A/5 & A/6: Signatures of Sephali Chakraborty @ Sephali Choudhury on Exhibit-A, on identification;
- v) Exbt.-B: Original copy of registered WILL bearing No.III-65 dt.17.07.2020 containing 02 pages, as a whole;
- vi) Exbt.-B/1: Signature of DW-3 on Exhibit-B, on identification;
- vii) Exbt.-B/2: Signature of DW-4 on Exhibit-B, on identification;
- viii) Exbt.-B/3, B/4, B/5 & B/6: Signatures of Sephali Chakraborty @ Sephali Choudhury on Exhibit-B, on identification;
- ix) Exbt.C: Certified copy of Khatian bearing no.798 of Mouja and Tahshil-Halahali, Revenue Circle-Salema in the name of Sephali Chakraborty @ Sephali Choudhury containing 02 pages, as a whole;
- x) Exbt.-D: Certified copy of Khatian bearing No.473 of Mouja and Tahshil-Halahali, Revenue Circle-Salema in the name of plaintiff no.1, Smt. Alpana Bhattacharjee

(Choudhury) containing 02 pages, as a whole; and

- xi) Exbt.-E: Certified copy of Khatian bearing no.870 of Mouja and Tahshil-Halahali, Revenue Circle-Salema in the name of plaintiffs containing 01 page.

Finally, on conclusion of trial, Learned Trial Court below by the judgment dated 24.09.2024 dismissed the suit with the following observation:

ORDER

15. In the result, the suit of the plaintiffs is dismissed with cost.

16. Let a decree be drawn accordingly within 15 days from today.

17. The suit is disposed of contest.

Challenging that judgment, this present appeal is preferred before this Court.

6. At the time of hearing, Learned Counsel for the appellant drawn the attention of the Court that the judgment of the Learned Court below suffers from infirmities and the same is perverse. According to Learned Counsel for the appellant, Learned Court below failed to appreciate the oral evidence on record because the testatrix was more than 84 years old at the time of alleged execution of WILLS and she was not in sound state of mind, so those purported WILLS suffers from full of suspicion, but the Learned Court below failed to appreciate the evidence on record properly and dismissed the suit for partition. It was further submitted by the Learned Counsel for the appellants that the evidence on record could not be properly appreciated by Learned Court below and the disputed Wills were not proved before the Learned Court below by the contesting respondents in accordance with law. Hence Learned Counsel urged for interference of this appeal by setting aside the judgment and decree and also to

cancel the two registered Wills. In support of his contention, Learned Counsel also referred the written statement filed by the contesting respondent-defendants wherein in para No.24(j), they have asserted that Sephali Chakraborty handed over possession of the land to them bequeathed by the Wills on 17.07.2022 which was nothing but a concocted story because said Sephali Chakraborty expired on 29.07.2020. So, the story as projected by the contesting respondent-defendants cannot be accepted and the execution of Wills were made full of suspicion. So, the purported Wills are liable to be cancelled but the Learned Trial Court without appreciating the evidence on record dismissed the suit for which the interference of the Court is required.

7. Per contra, Learned Counsel for the contesting respondent-defendants Mr. Samarjit Bhattacharjee taking part in the hearing submitted that the suit was not maintainable as because the testatrix Sephali Chakraborty @ Choudhury during her lifetime through Exhibit-A and B bequeathed land measuring 0.24 acres in respect of respondent Nos.1 and 2 out of land measuring 0.33 acres and those Exhibit-A and B were duly and lawfully executed by the testatrix and the present respondent-defendants have successfully proved those documents before the Learned Trial Court in accordance with law. So, Learned Trial Court based on the evidence on record rightly and reasonably dismissed the suit for partition and there is no illegality or infirmity in the judgment delivered by Learned Trial Court below. Learned Counsel further submitted that the contesting defendants in their written statement and evidence specifically asserted that the appellants got some other land i.e. land measuring 0.04 acres which

is recorded in Khatian No.870 under Mouja and Tehshil-Halhali and also have got land measuring 1.44 acres which also has been recorded in Khatian No.473 under Mouja and Tehsil-Halhali and both the lands were purchased with the financial support of the deceased testatrix. So, it cannot be said that the appellant-plaintiffs were deprived of and furthermore, since Exhibit-A and B were duly proved and executed by the testatrix. So, the present appellants have failed to show that those were made under suspicious circumstances and the present respondents have duly complied with the provision of Section 63 of Succession Act. According to Learned Counsel, Learned Court below rightly delivered the judgment dismissing the suit of the plaintiffs i.e. the appellants herein. Learned Counsel further submitted that after bequeathing of 0.24 acres of land out of 0.33 acres of land, still 0.09 acres of land is left which may be partitioned amongst the legal heirs and the present respondent-defendants shall have no objection if the said quantum of land is partitioned amongst the heirs and urged for dismissal of this appeal with costs.

Learned Counsel for the respondents referred one citation of the Hon'ble Supreme Court of India in **Civil Appeal No.13192 of 2024** dated **02.01.2025** reported in **(2025) 2 SCC 804** [titled as **Gopal Krishan and others V. Daulat Ram and others**] wherein Hon'ble the Apex Court observed as under:

"Impugned in this appeal is the judgment and order of the Punjab and Haryana High Court in Daulat Ram v. Gopal Krishan dated 26-3-2018 whereby it has been held that the will, subject-matter of controversy, allegedly of one Sanjhi Ram, had not been proved, thereby finding that the lower appellate court had erred in holding otherwise. The said lower appellate court had set aside the decree of the civil court which had found that the will and the subsequent mutation of the properties

enumerated therein was bad in law, as the will was "illegal", "null" and "void". The question that falls for our consideration is:

"What do the words "by the direction of the testator" as they appear in Section 63(c) of the Succession Act, 1925 mean? Is the term to be interpreted liberally or strictly? Consequently, was the High Court correct in holding, in agreement with the civil court, that the will, subject-matter of dispute, stood not proved?"

2. Facts, shorn of unnecessary details, as they appear from the record are as follows:

3. Sanjhi Ram ("testator"), was the owner of 1/4th share of land measuring 40 canals, 3 marlas, comprised in Khewat No. 7. Khatauni No. 9, Rett No. 9, Kila No. 9/8 situated in the revenue estate of Village Umarpura, Khurd, Tehsil and District Gurdaspur, Punjab. His share in the aforesaid property was to the extent of 10 canals and 1 marla ("the suit property").

4. The testator had no children and resided with his nephew Gopal Krishan (hereafter "Appellant 1"). He executed a will on 7-11-2005 and passed away the next day on 8-11-2005. The death certificate issued by the competent authority is dated 19-11-2005.

5. Having received the property by virtue of the aforesaid will, the appellant transferred the same in favour of his four sons viz. Ravinder Kumar; Rajinder Kumar; Satish Kumar and Roop Lal vide sale deed dated 16-1-2006. The said property was sold jointly for a sum of Rs 98,000 to Madhu Sharma and Meena Kumari, vide sale deed dated 3-2-2006.

6. Respondents 1 to 7 herein filed a suit bearing No. 282 of 2006 before the civil court, seeking declaration to the effect inter alia: (i) that the plaintiffs (respondents herein) were the owners of Sanjhi Ram's 1/4th share; (ii) that the will dated 7-11-2005 was forged and fabricated; and (iii) that the mutation carried out subsequent to the execution of such a will is illegal and not binding on the plaintiffs.

7. By way of written statement dated 24-4-2006 the contentions made in the plaint were denied.

8. The trial court framed seven issues primarily pertaining to: (a) validity of the will subject-matter of the present lis; (b) whether the plaintiffs are estopped by their act and conduct from filing the suit; and (c) whether the plaintiffs have the locus standi to file the suit and whether the same is maintainable, within limitation and filed with sufficient court fees, being affixed thereto.

9. Of primary importance to the present adjudication are the findings qua Issue 1. The relevant extracts from the judgment of the civil court are as below:

"10. On going through the file I find it has been admitted by the witnesses of the defendants that Sanjhi Ram remained ill. The claim of the plaintiffs is that he died on 7-11-2005 and the claim of the defendants that he died on 8-11-2005. The defendants did not bring the death certificate of Shri Sanjhi Ram on the file and thus failed to rebut the

contention of the plaintiffs. The visit of Sanjhi Ram at Tehsil Gurdaspur on 7-11-2005 and then executing the will on the said day without any registration of the same and adjustment of lines on the page in the lower portion and further adjusting the seal by the scribe in the left margin and further the place the thumb mark alleged to be of Sanjhi Ram make the will suspicious which cannot be relied on."

10. On appeal the lower appellate court relied on a judgment returned by a Division Bench of the High Court of Judicature at Allahabad and one judgment of the Rajasthan High Court to hold that even if the testator was ill, so long as his mental faculties were not affected, no inference could be drawn that he was not of sound state of mind or that he could not execute a will. In the facts of the instant case, it was observed that nowhere did the case record reflect that Sanjhi Ram's mental faculties were in any way questionable nor was he disoriented or affected by illness. In regard to other observations of the civil court reproduced (supra) the lower appellate court held as under:

"16. As noted above, the learned lower court had found the will Ext.D-1 suspicious also for the reason that the spacing in between last lines in this will was narrower than the space available between lines in remaining upper part of this will. In this context the learned counsel for the appellants has relied upon *Bahadur Singh v. Pooran Singh*:2011 SCC OnLine Raj 2225 which applies to the facts of the case in hand. Vide it the Hon'ble High Court categorically observed that merely because the spacing of last two-three lines is less than the earlier lines it cannot be said that the will is not genuine. To accommodate writing in one page, sometimes last lines are written closely and therefore such circumstances should not be considered as adverse circumstances. In the case in hand also will Ext. P-1 is on a single page. Moreover, the lines on more than two-third of this page have equal spacing between them. It is in the last 1/3rd part of the page of will that spacing goes on narrowing. When the will is on a single page only narrowing of space towards end of the writing has to be taken as a natural phenomenon."

Having observed as above, the will was held to be valid and genuine, so also it was held that the consequent sale deeds cannot be held invalid. The judgment of the lower court was set aside.

11. In second appeal the High Court found that:

11.1. The reduction of space while concluding the will had "totally escaped the notice of the court's below", and that this was a glaring illegality and perversity. The attesting witness, Janak Raj (DW 1) had not stated in his examination that his thumb print had been appended to the will upon the direction of the testator which is a requirement in law. For such a conclusion, reliance was placed on *Janki Narayan Bhoir v. Narayan Namdeo Kadam* :(2003) 2 SCC 91 and the judgment of the Division Bench of the High Court titled *Kanwaljeet Kaur v.*

Joginder Singh Badwal:(2016) SCC OnLine P&H 19877.

11.2. Placing reliance on the Constitution Bench judgment of this Court in Pankajakshi v. Chandrika:(2016) 6 SCC 157, the Court without framing substantial questions of law set aside the judgment of the lower appellate court. The appeal preferred by the present respondents was thus allowed.

12. Having traversed the courts below as aforesaid, the dispute stands before us. We have heard the learned counsel for the parties.

13. Section 63 of the Succession Act, 1925 runs thus:

"63. Execution of unprivileged wills.-Every testator, not being a soldier employed in an expedition or engaged in actual warfare, or an airman so employed or engaged, or a mariner at sea, shall execute his will according to the following rules-

(a) The testator shall sign or shall affix his marks to the will, or it shall be signed by some other person in his presence and by his direction.

(b) The signature or mark of the testator, or the signature of the person signing for him, shall be so placed that it shall appear that it was intended thereby to give effect to the writing as a will.

(c) The will shall be attested by two or more witnesses, each of whom has seen the testator sign or affix his mark to the will or has seen some other person sign the will, in the presence and by the direction of the testator, or has received from the testator a personal acknowledgment of his signature or mark, or of the signature of such other person; and each of the witnesses shall sign the will in the presence of the testator, but it shall not be necessary that more than one witness be present at the same time, and no particular form of attestation shall be necessary."

(emphasis supplied)

14. As seen above, Section 63(c) enumerates five distinct situations:

A is the testator of the will in question. B and C have signed the will. For B and C to qualify as attestors;

Situation 1

Each of them has to have seen A sign the will or put his mark on it;

'OR'

Situation 2

They should have seen some other person, let's say D sign the will in the presence of and on the direction of A:

'OR'

Situation 3

They ought to have received a personal acknowledgment from A to the effect that A had signed the will or has affixed his mark thereon;

With the use of the conjunctive, "and" one further stipulation has been provided:

B, C, D or any other witness is required to sign the will in the presence of A however it is not necessitated that more than one witness be present at the same time.

The statutory language also clarifies that B and C, the attestors, are not required to follow any particular prescribed format.

15. The requisites for proving of a will are well established. They were recently reiterated in a judgment of this Court in Meena Pradhan v. Kamla Pradhan:(2023) 9 SCC 734. See also Shivakumar v. Sharanabasappa:(2021) 11 SCC 277. The principles as summarised by the former are reproduced as below: (Meena Pradhan case:(2023) 9 SCC 734, SCC pp. 737-38, para 10)

"10.... 10.1. The court has to consider two aspects: firstly, that the will is executed by the testator, and secondly, that it was the last will executed by him;

10.2. It is not required to be proved with mathematical accuracy, but the test of satisfaction of the prudent mind has to be applied.

10.3. A will is required to fulfil all the formalities required under Section 63 of the Succession Act, that is to say:

(a) The testator shall sign or affix his mark to the will or it shall be signed by some other person in his presence and by his direction and the said signature or affixation shall show that it was intended to give effect to the writing as a will;

(b) It is mandatory to get it attested by two or more witnesses, though no particular form of attestation is necessary;

(c) Each of the attesting witnesses must have seen the testator sign or affix his mark to the will or has seen some other person sign the will, in the presence and by the direction of the testator, or has received from the testator a personal acknowledgment of such signatures;

(d) Each of the attesting witnesses shall sign the will in the presence of the testator, however, the presence of all witnesses at the same time is not required;

10.4. For the purpose of proving the execution of the will, at least one of the attesting witnesses, who is alive, subject to the process of court, and capable of giving evidence, shall be examined;

10.5. The attesting witness should speak not only about the testator's signatures but also that each of the witnesses had signed the will in the presence of the testator;

10.6. If one attesting witness can prove the execution of the will, the examination of other attesting witnesses can be dispensed with;

10.7. Where one attesting witness examined to prove the will fails to prove its due execution, then the other available attesting witness has to be called to supplement his evidence;

10.8. Whenever there exists any suspicion as to the execution of the will, it is the responsibility of the propounder to remove all legitimate suspicions before it can be accepted as the testator's last will. In such cases, the initial onus on the propounder becomes heavier;

10.9. The test of judicial conscience has been evolved for dealing with those cases where the execution of the will is surrounded by suspicious circumstances. It requires to consider factors such as awareness of the testator as to the content as well as the consequences, nature and effect of the dispositions in the will; sound, certain and disposing state of mind and memory of the testator at the time of execution; testator executed the will while acting on his own free will;

10.10. One who alleges fraud, fabrication, undue influence et cetera has to prove the same. However, even in the absence of such allegations, if there are circumstances giving rise to doubt, then it becomes the duty of the propounder to dispel such suspicious circumstances by giving a cogent and convincing explanation;

10.11. Suspicious circumstances must be "real, germane and valid" and not merely "the fantasy of the doubting mind [Shivakumar v. Sharanabasappa:(2021) 11 SCC 277]". Whether a particular feature would qualify as "suspicious" would depend on the facts and circumstances of each case. Any circumstance raising suspicion legitimate in nature would qualify as a suspicious circumstance, for example, a shaky signature, a feeble mind, an unfair and unjust disposition of property, the propounder himself taking a leading part in the making of the will under which he receives a substantial benefit, etc."

16. This case raises the question whether the third requirement under Section 63 of the Act stands met in the present case particularly as to the contours of the meaning of the phrase "direction of the testator".

17. The word "direction", as discussed in the Cambridge Dictionary, can be employed in various contexts: (a) giving instructions to someone to find a particular place or location; (b) looking to an area or position where someone is placed; (c) a sense of direction i.e. the ability to find or locate a particular

place; (d) control or instruction; and (e) information or orders telling somebody how or what to do.

18. The present case concerns (d) and/or (e) as above. The view taken by the High Court is that the attesting witness, in his deposition, did not state that the act of affixing his thumb impression on the will subject-matter of dispute was at the direction of the testator and, therefore, the requirement stipulated under Section 63 of the Act was not met.

19. The abovesaid conclusion of the High Court is based on the testimony of Janak Raj, who is DW 1. His testimony reads as under:

"1. That I know both the parties. I also knew Sanjhi Ram, Son of Shri Tulsi Ram, who was a resident of our Village. He was residing at Gopal Krishan. Sanjhi Ram died issueless. His wife predeceased him. Gopal Krishan used to serve deceased Sanjhi Ram and was looking after him. Shri Sanjhi Ram who was real uncle of Gopal Krishan, while possessed of sound disposing mind, executed a valid will on 7-1-2005 in favour of Gopal Krishan. I have seen the original will which bears my thumb impression. The will is Ext. D-1. The same was scribed by the Deed Writer at the instance of Shri Sanjhi Ram. He further scribing the same, read over and explained the contents of the will Ext. D-1. Shri Sanjhi Ram after admitting the contents of the will, appended his thumb impression in my presence and as well as in the presence of other attesting witness Shri Tarsem Lal and thereafter 1 and other attesting witness put my thumb impression and signature, respectively. On the basis of will Ext. D-1 Shri Gopal Krishan defendant is owner in possession of the land of Shri Sanjhi Ram. The plaintiffs have got no right, title or interest in the land let by Shri Sanjhi Ram...."

(emphasis supplied)

20. The language of Section 63(c) of the Act uses the word 'OR'. It states that each will shall be attested by two or more witnesses who have seen the testator sign or affix his mark on the will 'OR' has seen some other persons sign the will in the presence and by the direction of the testator 'OR' has received a personal acknowledgment from the testator of his signature or mark, etc. What flows therefrom is that the witnesses who have attested the will ought to have seen the testator sign or attest his mark 'OR' have seen some other persons sign the will in the presence of and on the direction of the testator. The judgment relied on by the learned Single Judge in the impugned judgment *Daulat Ram v. Gopal Krishan*:2018 SCC OnLine P&H 8352 i.e. *Kanwaljeet Kaur*:2016 SCC OnLine P&H 19877 holds that the deposition of the attesting witness in the said case had not deposed in accordance with Section 63(c) of the Act, where two persons had undoubtedly attested the will, but the aspect of the "direction of the testator" was absent from such deposition.

21. In the considered view of this Court, the learned Single Judge fell in error in arriving at such a finding for the words used in the section, which already stands extracted earlier, read- "or has seen some

other person sign the will, in the presence and by the direction of the testator, or has received from the testator a...". That being the case, there is no reason why the "or" employed therein, should be read as "and". After all, it is well-settled that one should not read "and" as "or" or vice-versa unless one is obliged to do so by discernible legislative intent. Justice G.P. Singh's treatise, Principles of Statutory Interpretation tells us that the word "or" is normally disjunctive while the word "and" is normally conjunctive. Further, it is equally well-settled as a proposition of law that the ordinary, grammatical meaning displayed by the words of the statute should be given effect to unless the same leads to ambiguity, uncertainty or absurdity. None of these requirements, to read a word as which is normally disjunctive, as conjunctive herein, are present.

22. In the present case the testimony of DW 1 is clear that he had seen the deceased affix his mark on the will. That alone would ensure compliance of Section 63(c). The part of the section that employs the term "direction" would come into play only when the attester to the will would have to see some other person signing the will. Such signing would explicitly have to be in the presence and upon the direction of the testator.

23. The requirement of law while undoubtedly present, was not of concern in the instant dispute. On that count, we find the High Court to have erred in law. As such the impugned judgment, Daulat Ram: 2018 SCC OnLine P&H 8352 of the High Court with the particulars as described in para 1 is set aside. The judgment of the first appellate court stands restored. Consequently, the will of Sanjhi Ram is valid and so are the subsequent sale deeds executed by Gopal Krishan.

24. The appeal is allowed in the aforesaid terms. Pending application(s) if any shall stand disposed of."

Also referred another citation of Hon'ble Supreme Court reported in **2022 SCC 381** [titled as **Swarnalatha and others v. Kalavathy and others** dated **30.03.2022**] wherein in para Nos.21, 24, 25, Hon'ble the Apex Court observed as under:

"21. When it was not even the case of the respondents that the testators were not in a sound and disposing state of mind, the High Court fault with the appellants for not disclosing the nature of the ailments suffered by them. The exclusion of one of the natural heirs from the bequest, cannot by itself be a ground to hold that there are suspicious circumstances. The reasons given in Exhibit P-1 are more than convincing to show that the exclusion of the daughter has happened in a very natural way. If Exhibit P-1 (Will) had been fabricated on blank papers containing the signatures of the mother, there would have been no occasion for the father to make a mention in his own Will (Exhibit P-2) about the execution of the Will by the mother.

24. The High Court made a mountain out of a molehill, by reading too much into the lack of knowledge on the part of appellant No. 1 about the time of registration of Exhibit P-2 (Will) and the minor contradictions between her statement as PW-1 and the statements of PWs 4 and 5. The adverse inference sought to be drawn by the High Court about the failure of the testator Mannar Reddiar to ensure the presence of the daughter and the second daughter-in-law at the time of execution of Exhibit P-2, has no basis in law.

25. The law relating to suspicious circumstances surrounding the execution of a Will is already well-settled and it needs no reiteration. It is enough if we make a reference to one of the recent decisions of this Court in Kavita Kanwar v. Mrs. Pamela Mehta where this Court referred to almost all previous decisions right from H. Venkatachala Iyengar v. B.N. Thimmajamma. But cases in which a suspicion is created are essentially those where either the signature of the testator is disputed or the mental capacity of the testator is questioned. This can be seen from the fact that almost all previous decisions of this Court referred to in Kavita Kanwar (supra) list out circumstances, which in the context of the lack of sound and disposing state of mind of the testator, became suspicious circumstances. In the matter of appreciating the genuineness of execution of a Will, there is no place for the Court to see whether the distribution made by the testator was fair and equitable to all of his children. The Court does not apply Article 14 to dispositions under a Will."

Referring the same, Learned Counsel for the respondent-defendants submitted that since the respondent-defendants have able to prove Exhibit-A and B and have been duly executed and registered by the deceased testatrix and also the respondent-defendants have duly proved the said Exhibits before the Learned Trial Court in accordance with law and the present appellants have failed to show any suspicious circumstances to cast any doubt upon Exhibit-A and B as such, the Learned Trial Court below rightly and reasonably dismissed the suit of the appellant-plaintiffs and as such, according to Learned Counsel, there is no merit in the appeal and prayed for dismissal of this appeal with costs.

8. I have heard both the sides at length and gone through the record of the Learned Court below. After hearing both the sides, it appears that in this appeal this Court is to decide the following point:

Whether the judgment and decree of the Learned Court below suffers from any perversity or not?

Here, in this case as already stated Learned Trial Court in total framed 7 nos. of issues and to substantiate the issues both the parties have adduced their oral/documentary evidence on record as already mentioned earlier. The purported Wills were duly proved and marked as Exhibit-A and Exhibit-B. On perusal of Exhibit-A and Exhibit-B, it appears that those were duly proved and executed by the contesting respondents before the Learned Trial Court and the attesting witnesses also proved the Will in accordance with Section 68 of the Indian Evidence Act including DW-3 i.e. Dibakar Roy, who identified his signature on Exhibit-A and B as deed writer marked as Exhibit-A1 and Exhibit-B1 and the contesting witness DW-2, Arun Singh also identified his signature on Exhibit-A marked as Exhibit-A2 and also identified the signature of testatrix on Exhibit-A i.e. Will No.III-64 dated 17.07.2020 which were marked as Exhibit-A3, A4, A5 and A6 and also identified his signature on Exhibit-B marked as Exhibit-B2 as attesting witness and also identified the signature of testatrix on Exhibit-B2 i.e. Will No.III-65 dated 17.07.2020 which were marked as Exhibit-B3, B4, B5 and B6. Thus, it appears that those Wills i.e. Exhibit-A and Exhibit-B were duly proved and registered and those were duly proved by the respondent-defendants before the Learned Trial Court during the trial of the suit. DW-3, deed writer also in course of his cross-examination stated that he had

written the age of the testatrix as 84 years based on voter ID card and Adhaar Card he had mentioned the age of the testatrix as 84 years. In this regard, I would like to refer herein below the relevant provision of Section 63 of the Succession Act, 1925 which provides as under:

63. Execution of unprivileged wills.- Every testator, not being a soldier employed in an expedition or engaged in actual warfare, or an airman so employed or engaged, or a mariner at sea, shall execute his will according to the following rules:

(a) The testator shall sign or shall affix his marks to the will, or it shall be signed by some other person in his presence and by his direction.

(b) The signature or mark of the testator, or the signature of the person signing for him, shall be so placed that it shall appear that it was intended thereby to give effect to the writing as a will.

(c) The will shall be attested by two or more witnesses, each of whom has seen the testator sign or affix his mark to the will or has seen some other person sign the will, in the presence and by the direction of the testator, or has received from the testator, or has received from the testator a personal acknowledgement of his signature or mark, or of the signature of such other person; and each of the witnesses shall sign the will in the presence of the testator, but it shall not be necessary that more than one witness be present at the same time, and no particular form of attestation shall be necessary.

Further, I would also like to refer herein below the relevant provision of Section 68 of Indian Evidence Act which also provides as under:

68. Proof of execution of document required by law to be attested.- If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence:

Provided that it shall not be necessary to call an attesting witness in proof of the execution of any document, not being a will, which has been registered in accordance with the provisions of the Indian Registration Act, 1908 (16 of 1908), unless its execution by the person by whom it purports to have been executed is specifically denied.

From the aforesaid provisions of law, it appears that Exhibit-A and B were duly executed by the testatrix in favour of the contesting

respondent-defendants and the same were also duly proved by the contesting respondent-defendants before the Learned Trial Court in accordance with law and attesting witnesses also confirmed its execution in accordance with law.

9. In course of hearing of arguments, Learned Counsel for the appellants relied upon few citations. In **(2014) 1 TLR 485** [titled as **Timir Baran Ghosh V. Dilip Kumar Ghosh and Ors.** dated **09.12.2013**], wherein in para Nos.23 and 24 this High Court observed as under:

"23. On scrutiny of the will, this Court does not find any ambiguity as regards the disposition but as regards the exclusion of the legal heirs, no reason has been narrated in the will, even why the physically challenged daughter or the wife has been excluded has not been explained or narrated. This definitely has created a suspicious circumstance so far the execution of the will is concerned and the appellant could not remove that circumstance. Moreover, what has appeared from the oral testimonies of PWs 1, 2 and 3 that PWs 1, 2 and 3 are the close friends of PW-1, the propounder. It has surfaced without any amount of doubt that PW-1 had played a dominant role in execution of the will. That has created a further suspicious circumstance which could not be removed by the appellant. On the face of denial of the respondent No.2 that he has attested the questioned will, the appellant did not take any step to prove his signature by the other means saving the means of the oral evidence of PWs- 2 and 3. Apart that, the long time as elapsed for placing the will for probate has created a definite suspicious circumstance and the explanation as given that it was for her mother, he did not place that will for grant of probate is not acceptable. Long concealment of the will from the legal heirs who had otherwise been entitled to the share of the properties left by the testator has generated further suspicion and the appellant has failed to give an explanation to dispel the circumstances.

24. On such aggregate consideration on the touchstone of law as decided by the apex court, this Court has no hesitation to hold that even if it is held that the execution of the will has been proved but the said execution is attended by those suspicious circumstances and such suspicious circumstances could not be removed by way of adequate evidence. It is to be further noted that at the same time the respondents have failed to prove that the said will is manufactured or that their father did not sign over the testament by adequate evidence. Even the statement of OPW-2 for purpose of testamentary state of mind cannot be wholly accepted in view of his varying assertion in different parts of oral

testimony. Thus to prove the allegations as was with the respondents has not been properly discharged. Therefore, the contention that the will was not (sic) executed or manufactured by the appellant is not accepted by this Court. But since the appellant could not eradicate completely those suspicious circumstances as catalogued, the trial court has committed no illegality in refusing to grant probate of the will in question.

As corollary thereof, this appeal stands is dismissed."

Learned Counsel further referred another citation of the Hon'ble Apex Court reported in **AIR 2020 SC 2614** [titled as **Kavita Kanwar v. Mrs. Pamela Mehta and others** dated **19.05.2020**] wherein in para Nos.2, 21, 35 to 38, Hon'ble the Apex Court observed as under:

"2. The prayer of the appellant for grant of probate in relation to the Will in question has been declined concurrently by the Trial Court and by the High Court essentially after finding several unexplained suspicious circumstances surrounding the Will in question. Being aggrieved, the petitioner-appellant, who was appointed as the executor of the Will in question and who was, admittedly, the major beneficiary thereunder, has preferred this appeal while maintaining that execution of Will by the testatrix with due compliance of all the requirements of law has been clearly established on record and there has not been any such suspicious circumstance which might operate against the genuineness of the Will in question.

21. We have bestowed anxious consideration to the rival submissions with reference to the law applicable and have also scanned through all the records pertaining to this case, including the records of the Trial Court and the High Court.

35. In our view, though the High Court has rightly observed that even if this third page is assumed to be existing, it does not remove the suspicious circumstances but the High Court has stopped short of going a little further and has not noticed that volte-face of the appellant regarding this third page tilts the preponderance of probabilities heavily, rather conclusively, against her. Noteworthy it is that the said third page has not been exhibited in evidence. The flip-flops of the appellant regarding this third page compels us to examine several of the possibilities concerning other assets of the testatrix.

35.1. As noticed, the Will in question (Ex.PW1/H) is drawn on two pages and is complete in itself and does not leave any scope for any other codicil concerning the estate of the deceased, particularly when bequeath has been made not only of the immovable property and the bank account but also as regards the other assets of testatrix in the residuary clause, which reads as under: -

"2. I also direct that in the event of my acquiring any further movable or immovable assets hereinafter or any other assets that I may have forgotten to mention in the present Will the same shall devolve upon my daughter Mrs. Kavita Kanwar."

35.1.1. Now, from the evidence on record and from the stand of the appellant, there is little to doubt that there had been several other assets of the testatrix apart from the said immovable property and the bank account. By virtue of the aforesaid residuary clause, all such other assets are bequeathed to the appellant. In the given scenario, two serious questions perforce acquire immediate attention. One that while making the application seeking probate, the appellant did not divulge all other assets which were to come in her hands by virtue of the said residuary clause of the Will in question. Secondly, when there had not been any direction in the two page Will in question for making payment to anyone or parting with any movable to anyone, what had been the reason for the appellant making payment to different persons, including her own sons, the daughter of the attesting witness and the daughter of the respondent No. 1 apart from giving car to the daughter of the respondent No. 1 and jewellerys to the respondent No. 1 (as alleged in the written submissions before the High Court). Both these questions on the conduct of the appellant only thicken the suspicious circumstances surrounding the Will in question.

35.2. On the other hand, as soon as the possibility of existence of such third page carrying the desire and directions of the testatrix about distribution of her other movable property is taken into account, the document Ex. PW1/H loses all its worth because it cannot be said the testatrix executed the same after understanding the meaning and purport of its contents. If she had the desire of distribution of movable property in a different manner and to different persons (as alleged by the appellant before the High Court), the aforesaid residuary clause would not have occurred in the Will in question at all. Secondly, if it is assumed that the testatrix issued separate directions about distribution of her assets de hors the Will then, the Will in question ceases to be her last Will.

36. Hence, to cap all the suspicious circumstances, the aforesaid equivocal stand of the appellant, as regards the third page of the Will and her assertion of having acted in accordance with the "directions" in the said third page of the Will, effectively knocks the entire case of the appellant down to the bottom. The suspicions arising because of the facts and factors noticed hereinbefore, including the unnatural exclusion of the respondents from estate; uncertain and rather inexecutable stipulation about construction by the appellant for the purpose of the respondent No.1; active role played by the appellant in execution of the Will and yet seeking to avoid the factum of her role by incomplete and vague statements; and the witnesses having contradicted the appellant on material particulars etc., have not only gone unexplained but are confounded beyond repair with such vacillating stand of the appellant

regarding the said third page of the Will of the testatrix.

Summation

37. The discussion foregoing is sufficient to find that thick clouds of suspicious circumstances are hovering over the Will in question which have not been cleared; rather every suspicious circumstance is confounded by another and the curious case of the alleged third page of the Will effectively and completely demolishes the case of the appellant. Put differently, it is difficult to be satisfied that what is literally coming out of the document in question had been the last wish and desire of the testatrix as regards succession of her estate. On the contrary, we find enough and cogent reasons to affirm the material findings of the Trial Court and the High Court that it cannot be said that the testatrix executed and signed the document in question as her Will after having understood the meaning, effect and purport of the contents.

38. The result, inevitable, is that this appeal deserves to be dismissed. With the concurrent findings having been affirmed and when the appellant is found wanting in forth-rightness at various stages of proceedings, costs ought to follow the result of dismissal of this appeal.

Learned Counsel thereafter referred another citation of the Gauhati High Court reported in **AIR 2006 GAUHATI 56** [*titled as Pradip Saikia & Ors. v. Smt. Suwala Saikia & Ors. dated 13.05.2005*] wherein in para Nos.14, 15, 16, the Gauhati High Court observed as under:

"14. Law governing the proof of a Will is well established. The burden of proof of a Will is always on the propounder and in absence of suspicious circumstances surrounding the execution of a Will, the proof of testamentary capacity and the signature of the testator as required under law would be sufficient to discharge such burden. However, where any suspicious circumstance occurs, onus is on the propounder to explain to the satisfaction of the Court that Will is genuine. A Will is an instrument that contains the last desire of the testator/testatrix. Normally, the Court, therefore, acts in accordance with the wishes of the maker of the Will. However, if, any way, the Court is to doubt either the voluntariness or genuineness as regards the execution of the Will, it would disassociate to act in accordance with what has been narrated in the Will. If the Will is surrounded by suspicious circumstances, the removal of such suspicion shall be always the onus of the propounder. Until and unless such suspicion is removed, the Will shall not be probated.

15. Suspicious circumstances may be as to the voluntariness in execution of the Will of the testator, lack of genuineness in the dispositions in the Will being unnatural, improbable or unfair in the light of

relevant circumstances and/or there might be other relevant materials to show that testator's mind was not free. If the propounder succeeds in removing any such suspicious circumstances from the mind of the Court, definitely the Court would grant probate. In the instant case, though burden was on the propounder to remove such suspicious circumstances, they failed to do so. It is a case where an attempt was made to debar the natural heirs of the testator from getting their due share of the properties on the normal line of succession.

16. In view of what has been stated and discussed above, this Court is of the considered view that there is (no) illegality or regularity in the findings of the learned District Judge calling for interference of this Court. Consequently, this Court is in full agreement with the views expressed by the learned District Judge in rejecting the prayer for grant of probate."

Referring the same, Learned Counsel for the appellant drawn the attention of the Court that in the instant case, the respondent-defendants have failed to satisfy the Court that Exhibit-A and B were not free from suspicious circumstances but the Learned Trial Court below did not consider the evidence on record and accepted A and B as valid for which the judgment is liable to be interfered with.

Learned Counsel further referred another citation of the Hon'ble Supreme Court reported in **AIR 2009 SC 1766** [titled as **Bharpur Singh & Ors. v. Shamsher Singh** dated **12.12.2008**] wherein in para Nos.16, 17 and 19, Hon'ble the Apex Court observed as under:

"16. We may notice that in *Jaswant Kaur vs. Amrit Kaur & Ors.* : (1977) 1 SCC 369 this Court pointed out that when the Will is allegedly shrouded in suspicion, its proof ceases to be a simple lis between the plaintiff and defendant. An adversarial proceeding in such cases becomes a matter of Court's conscience and propounder of the Will has to remove all suspicious circumstances to satisfy that Will was duly executed by testator wherefor cogent and convincing explanation of suspicious circumstances shrouding the making of Will must be offered.

17. Suspicious circumstances like the following may be found to be surrounded in the execution of the Will:

- i. The signature of the testator may be very shaky and doubtful or not appear to be his usual signature.

ii. The condition of the testator's mind may be very feeble and debilitated at the relevant time.

iii. The disposition may be unnatural, improbable or unfair in the light of relevant circumstances like exclusion of or absence of adequate provisions for the natural heirs without any reason.

iv. The dispositions may not appear to be the result of the testator's free will and mind.

v. The propounder takes a prominent part in the execution of the Will.

vi. The testator used to sign blank papers.

vii. The Will did not see the light of the day for long.

viii. Incorrect recitals of essential facts.

19. We, therefore, keeping in view the peculiar facts and circumstances of this case, are of the opinion that the impugned judgment of the High Court as also the first appellate court should be set aside and the matter be directed to be considered afresh in the light of the observations made hereinbefore by the first appellate court. It is ordered accordingly.

The appeal is allowed with the aforementioned observations and directions. However, in the facts and circumstances of the case, there shall be no order as to costs."

Referring the same, Learned Counsel submitted that Exhibit-A and B were not proved in accordance with law but the Learned Trial Court did not appreciate the evidence on record of the appellants properly. Hence the judgment and decree of the Learned Trial Court is liable to be interfered with.

10. I have also gone through the citations referred by Learned Counsel for the appellant in course of hearing of argument and also the citations as referred by Learned Counsel for the respondents in course of hearing including the record of the Learned Court below. After going through the oral/documentary evidence on record, it appears to this Court that the appellant-plaintiffs before the Learned Trial Court have failed to show that Exhibit-A and B were made under any suspicious circumstances for which the same are liable to be cancelled and furthermore, the appellants also have failed to show by

adducing cogent evidence on record that Exhibit-A and B were not proved in accordance with law and in course of hearing of argument, Learned Counsel for the appellants also remained silent in respect of Exhibit-A and B regarding proving of Exhibit-A and B by the contesting respondents nor I find any material on record that provisions of Section 63 of Succession Act and Section 68 of Evidence Act have not been complied with. Moreso, the appellant also have failed to prove any suspicious circumstances in execution of the Wills and as such, in my considered view, it appears that Learned Trial Court below after considering the evidence on record rightly and reasonably dismissed the suit for partition for which I do not find any scope to interfere with the judgment delivered by the Learned Trial Court. Further it appears that Learned Trial Court rightly and reasonably discussed and decided all the issues after proper reasoning.

11. In the result, the appeal filed by the present appellants is hereby dismissed on contest with costs. The judgment dated 24.09.2024 and decree dated 04.10.2024 delivered by Learned Civil Judge (Senior Division), Dhalai District, Ambassa [camp at Kamalpur] in connection with case No.TS(Partition) No.1 of 2022 is hereby upheld and accordingly, the same is affirmed.

Since it emerged from the case record that still 0.09 acres of land is open for partition. So, the parties of the suit are at liberty to approach to the competent Court for having partition of the same in accordance with law.

The appeal thus stands disposed of.

Prepare decree accordingly.

Send down the LCR along with a copy of this judgment to the respective Courts.

Pending applications(s), if any, also stands disposed of.

JUDGE

