Court No. - 65

Case :- WRIT - C No. - 21639 of 2020

Petitioner :- Brij Bhushan Sharma
Respondent :- State Of U.P. And 7 Others
Counsel for Petitioner :- Kuldeep Kumar
Counsel for Respondent :- C.S.C.,Azad Rai

Hon'ble Saumitra Dayal Singh,J.

Heard Sri Kuldeep Kumar, learned counsel for the petitioner, Sri Gopi Krishna Sood, learned counsel holding brief of Sri Azad Rai, learned counsel appearing on behalf of Gaon Sabha and learned standing counsel for the state-respondent.

Undisputedly, both, the petitioner as well the private respondent have set up mutually conflicting wills. In such circumstances, by earlier orders passed by the subordinate authorities, the matter has been remitted to the Tehsildar allowing both the parties to lead evidence in support of their respective cases.

According to the statement made by the learned counsel for the petitioner, such proceedings is still pending. In view of that fact no interference is warranted in the present petition on the plea that the petitioner is the husband of the testatrix and that the will set up by him is a later will. That and any other contention may remain open to be examined by the Tehsildar on the strength of the evidence that may lead by both the parties.

Accordingly, the present petition is **disposed of** with a direction that the proceedings in case no.288 of 2016 (Brij Bhushan Sharma Vs. Prakashwati & Others) under Section-35, U.P. Revenue Act, 2006, pending before respondent no.2-Tehsildar, Sikandrabad, District-Bulandshahr, be heard and decided as expeditiously as possible preferably within a period of six months from the date of production of a copy of this order, if there is no legal impediment.

Order Date :- 9.12.2020
S.Chaurasia

Digitally signed by Justice Saumitra Dayal Singh
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