

ORDER BELOW EXH.37

(Passed on 08/05/2025)

1) Plaintiffs filed this application for exhibition of the will deed as the Will executed by a Muslim person because the provisions of the Indian Evidence Act are not applicable to such Will-deed. Their learned advocate has given detail application mentioning the provisions of the relevant Act.

2) Learned Advocate for the defendant filed say that section 68 of the Indian Evidence Act is applicable to Will-deed executed by a Muslim person. Therefore, he objected to exhibition of the will deed. On perusal of the application and provisions of the relevant Acts, the provisions of the Indian Evidence Act is not applicable to Will executed by a Muslim person. Another objection is that the Will-deed is notorised and it is not registered. But the law does not contemplate that the Will-deed should be compulsorily registered. Therefore, there is no hurdle to exhibit the said document. Hence, the order.

ORDER

[1] Application is allowed.

[2] Will-deed filed by the plaintiff be exhibited accordingly.

Sign/-

Place : Nashikroad

(P.B. Warade)

Date : 08.05.2025

Civil Judge, Sr. Dn.,

Nashikroad.