



UPSR010002362025

In the Court of District Judge, Shravasti

Presiding Officer- Dinesh Chand HJS - UP06538

Regular Civil Appeal No. 03/2025

1- Smt. Kutubunisha aged about 65 years w/o Abdul Aziz

2- Jibril aged about 54 years s/o Abdul Aziz

All R/o Mohalla Purani Bazar Kasba and Pargana & Tehsil

Bhinga, District-Shravasti

.....Appellants

Versus

1- Abdul Hameed @ Chhedi s/o Mohd. Nazeer

2- Naseer @ Kismat Ali s/o Mohd. Basheer

3- Nazma w/o Mohd. Basheer

All R/o Village Mohalla Purani Bazar Kasba Pargana & Tehsil

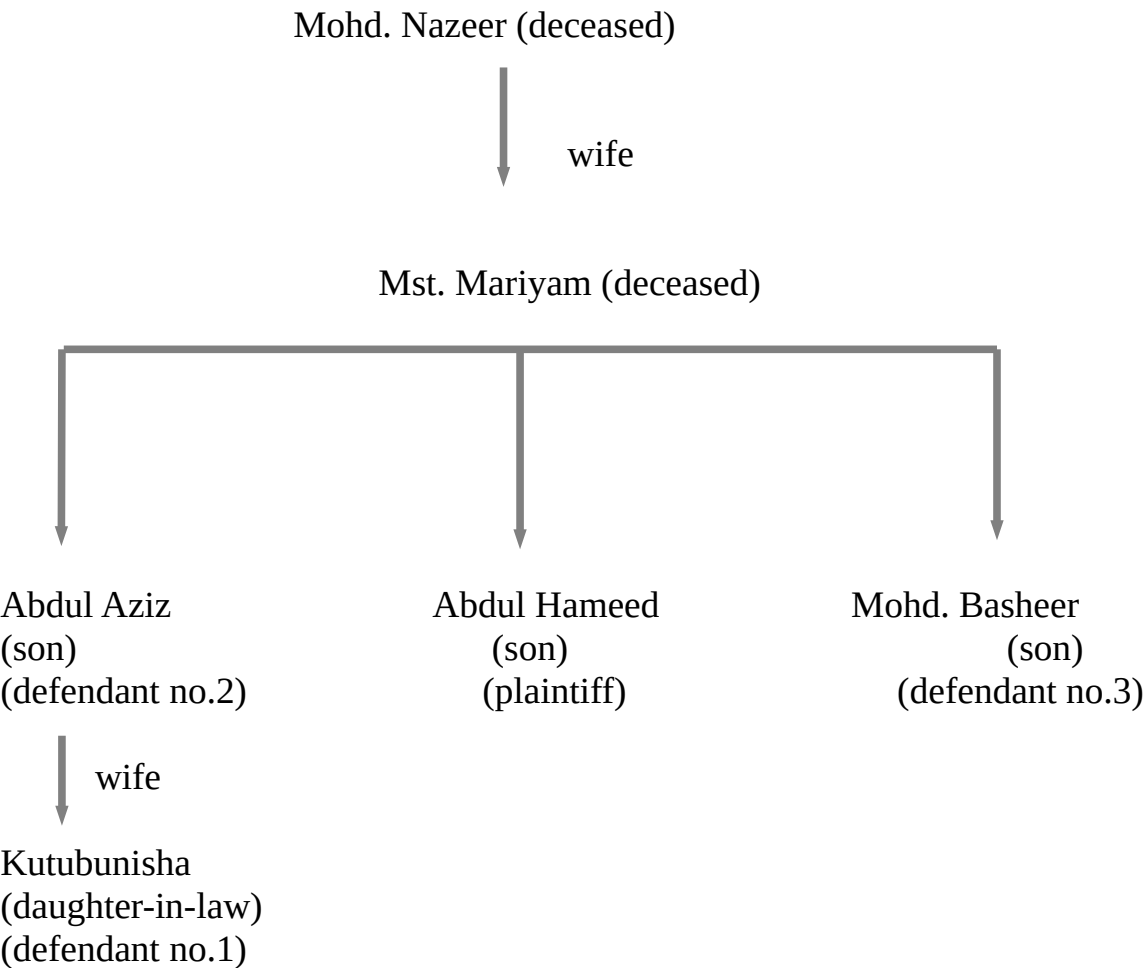
Bhinga, District-Shravasti

.....Respondents

JUDGMENT

1. This civil appeal u/s 96 CPC has been preferred against the judgment dated 04.04.2024 passed by Ld. Trial Court Civil Judge (Senior Division), Shravasti in O.S. No. 104/2010 Abdul Hameed Vs. Kutubunisha, whereby Ld. Trial Court has decreed the suit of plaintiff.

2. In brief, the facts leading to this appeal are that plaintiff had filed a suit for declaration against defendants that a registered will which was executed by Mst. Mariyam wife of Mohd. Nazeer on 11.09.2006 regarding her movable and immovable property in favour of defendant no. 1 Kutubunisha is null and void. The plaintiff had asserted in his plaint that plaintiff and defendants are Muslims and Mohammedan Law is applicable on them and they are related to same and one family. Plaintiff has mentioned the pedigree in his plaint in para no. 1 as follows:



3. By this pe-digree plaintiff has stated that father of plaintiff Mohd. Nazeer was owner in possession of agricultural land Gata no. 3662 area 0.745 hectare situated village Bhinga Dehat Pargana & Tehsil Bhinga, District Shravasti and land Gata no. 609 area 0.089 hectare situated in village Rajapur Rani Pargana & Tehsil Bhinga, District Shravasti and one house situated in Mohalla Purani Bazar Nagar Panchayat Bhinga, District Shravasti. It is also asserted by him in his plaint that after death of his father Mohd. Nazeer plaintiff and his mother Mst. Mariyam, defendant nos. 2 and 3 becomes owner in possession over the land in dispute by way of succession and their names also mutated in revenue records. It is also asserted by him that his mother Mst. Mariyam was the sole owner of land Gata no. 3662 area 0.365 hectare situated Bhinga Dehat Pargana & Tehsil Bhinga, District Shravasti and she was the owner in possession over the said land during her life time. After death of Mst. Mariyam, plaintiff and defendant nos. 2 and 3 becomes owner in possession. Since this village is under proceedings of consolidation due to this the name of the plaintiff could not mutate. Plaintiff and defendant nos. 2 and 3 are real brothers and defendant no. 1 is the wife of defendant no. 2 and parties are Muslims. Defendant nos. 1 and 2 after making conspiracy and exercising undue influence over the mother, Mst.

Mariyam fraudulently executed a forged, illegal and void will dated 11.09.2006 in favor of defendant no. 1. It is also asserted by him that according to Mohammedan law a Muslim cannot execute a will of his or her all property. A Muslim can execute a will of his or her 1/3 share and according to Mohammedan law the will in question dated 11.09.2006 is void and ineffective. After death of Mst. Mariyam defendants has shown the right and title over the land in dispute on the basis of will dated 11.09.2006 and plaintiff came to know about this will on 30.01.2010 when he received the summon. The will in question dated 11.09.2006 is executed on fraud and according to Mohammedan law which is null and void. Plaintiff has asked to defendant nos. 1 and 2 to declare the will in question void from the competent court but they denied on 25.08.2010 due to this cause of action was arisen. By this declaratory suit plaintiff has prayed to declare the will in question dated 11.09.2006 is null and void.

4. During pendency of the case defendant no. 2 Abdul Aziz had died and his legal heir son Mohd. Jibril was substituted as defendant no. 2/1. Defendant No. 3 Mohd. Basheer had also died during the pendency of the suit his legal heir son and his widow were substituted Naseer @ Kismat Ali and Nazma as defendant no. 3/1 and 3/2.

5. Defendant no. 2/1 Mohd. Jibril had filed his W.S. paper no. 25A in which he has admitted the contents of para no. 1 to 3 of plaint that they are correct while he denied the other paragraphs of plaint. In additional he stated that Mst. Mariyam was his grand mother and after death of his grand father Mohd. Nazeer his mother defendant no. 1 has looked after of Mst. Mariyam and Mst. Mariyam had executed a registered will in favour of defendant no. 1 on 11.09.2006 which was registered at Sub-Registrar Office Bhinga. It is also asserted by him that the provisions of Mohammedan Law are not applicable on agricultural land because as per provisions of Section 169 of UPZA and LR Act, no personal law is applicable. As per provisions of Section 169 of UPZA and LR Act any transferable right, bhumidhar has right to execute his or her will. Due to this Mst. Mariyam had executed a will on 11.09.2006 as per law. On the basis of the said will the name of his mother defendant No. 1 was mutated regarding the agricultural land of Gata no. 3662 area 0.365 hectare situated Bhinga Dehat Pargana & Tehsil Bhinga, District Shravasti. Mst. Mariyam had executed the registered will in her full consciousness. Defendant no.1 is the owner in possession of land in dispute

and the suit has been filed by the plaintiff on the wrong facts with *mala fide* intention. He has prayed to dismiss the suit of plaintiff.

6. Defendant no.1 had filed her W.S. paper no. A36 before the Trial Court in which she admitted the para no. 1 and 2 of plaint are correct while she has denied the other paragraphs of plaint. She has further asserted in her WS that Mst. Mariyam was the owner in possession in agricultural land Gata no. 3662 Mauza Bhinga Dehat and she had no house. Mst. Mariyam had executed a registered will in favour of wife of plaintiff and defendant no. 1 on 13.09.2005. Later on plaintiff had wanted to kill Mst. Mariyam after execution of registered will-deed on 13.09.2005 and in this regard he attacked on her on 24.12.2005 with intention to kill Mst. Mariyam. In this regard NCR No. 327/2005 was registered and Mst. Mariyam was also medically examined. Thereafter defendant no. 1 has looked after Mst. Mariyam and due to her services Mst. Mariyam had lastly executed the registered will on 11.09.2006 in favour of defendant no. 1 which is valid. She has further stated that Mohammedan law is not applicable on the agricultural land and on the basis of registered will her name also mutated in revenue records. After death of Mst. Mariyam on 06.11.2007 defendant no. 1 has performed last rites of Mst. Mariyam. She has prayed to dismiss the suit of the plaintiff.

7. On the basis of pleadings of the parties Ld. Trial Court has framed the issues on 06.07.2018 as follows :-

1. Whether plaintiff is entitled to get the relief of declaratory decree against the defendants on the basis of contents of plaint?
2. Whether suit is under valued?
3. Whether paid court fee is insufficient?
4. Whether plaintiff is entitled to get any other relief?

8. The plaintiff has filed the following papers in his documentary evidence per List 7C, certified copy of the Will dated 11.09.2006 paper No. 8C/1 to 8C/4, certified copy of Khatauni 9C/1 to 9C/2, copy of Khasra 9C/3, copy of Khatauni 9C/10. He has also filed three certified copies of Will-deed dated 10.01.1990, 16.01.2003 and 13.09.2005 respectively and two certified copies of Khatauni paper No. 42C/2 to 42C/14. Plaintiff has examined himself as PW-1, Gurubachan as PW-2, and Mohd. Israil as PW-3 in his oral evidence.

9. The defendants have filed documentary evidence per List 38C/1

certified copy of the Will-deed dated 11.09.2006, certified copy of will-deed dated 13.09.2005, photo copy of NCR, two certified copies of Khatauni paper No. 38C/2 to 38C/14. Defendant no. 1 Kutubunisha has examined herself as DW-1, Mohammad Jibril alias Jibrail as DW-2, and Firoz Khan was examined as DW-3.

10. After hearing Ld. Counsel for both the parties. Ld. Trial Court had decided the issue no. 1 and 4 in favour of plaintiff and issue no. 2 and 3 in favour of defendants. Ld. Trial Court had decreed the suit of plaintiff vide judgment dated 04.04.2024. Feeling aggrieved this civil appeal has been preferred by the defendants.

11. Learned counsel for appellants/defendant no. 1 and defendant no. 2/1 has vehemently argued that Ld. Trial Court has wrongly passed the impugned judgment without considering the facts of the case. He further submitted that Will in question was executed by Mst. Mariyam in favour of appellant/defendant no.1 on 11.09.2006 of her agricultural land. The provision of Mohammedan law/ Personal Laws are not applicable on the agricultural land in Uttar Pradesh but Ld. Trial Court has wrongly observed that a Muslim cannot execute his or her Will more than 1/3 share because a Muslim person can execute his or her Will only to the extent of 1/3 share. It is also observed by the Ld. Trial Court that if any Muslim has executed his or her Will of whole property then the consent of other legal heirs is mandatory. He further submitted that Ld. Trial Court has not framed the necessary issues at the time of framing the issues and Ld. Trial Court should have framed the issues that a Muslim has right to execute a Will of his or her whole property which is agricultural land. The Ld. Trial Court has not framed the issues that whether personal laws are applicable on the agricultural land. He has further submitted that the Ld. Trial Court has wrongly passed the impugned judgment without considering/discussing the law. He has prayed to set aside the judgment dated 04.04.2024 and allow the appeal.

12. On the other hand Ld. Counsel for plaintiff/appellant no. 1 has submitted that deceased Mst. Mariyam was not the sole owner in the possession of the land in dispute. The Will in question was executed in due influence of defendants. He further submitted that the provisions of Mohammedan Law are applicable on the land in dispute and Ld. Trial Court has rightly observed this fact. He further submitted that a Muslim has no right to execute the Will more than 1/3 share of the testator in the property.

Ld. Trial Court has rightly passed the judgment and did not commit illegality and legal error in passing the impugned judgment and decree. He has prayed to dismiss the civil appeal.

13. I have heard learned counsel for both the parties at length and perused the record carefully.

14. It is admitted fact that after death of Mohd. Nazeer, had left his widow Mst. Mariyam and three sons Abdul Aziz, Abdul Hameed and Abdul Basheer. Defendant no. 1 Kutubunisha is wife of defendant no. 2 Abdul Aziz and daughter in law of deceased Mohd. Nazeer and Mst. Mariyam. It is also admitted fact that deceased Mst. Mariyam had executed a registered Will in favour of her sons namely Abdul Aziz, Abdul Hameed and Abdul Basheer on 10.01.1990. It is also admitted fact that the Will dated 10.01.1990 has been cancelled by the testator Mst. Mariyam on 16.01.2003 by a registered deed and she has executed the Will of her whole property in favour of defendant no.2 by this registered deed dated 16.01.2003. Mst. Mariyam has further executed another registered Will on 13.09.2005 in favour of Nazima Khatun wife of plaintiff and defendant no.1 Kutubunisha. Deceased Mst. Mariyam lastly executed the registered Will in question on 11.09.2006 in favour of defendant no. 1 of her whole movable and immovable property. The details of movable and immovable property i.e. Gata Number or Area and any house number are not mentioned in the Will in question.

15. The main controversies between the parties are that whether deceased Mst. Mariyam was the sole owner of the land which are shown in the Khatauni and she has right to execute the Will or transfer the properties as Bhumidhar of transferable right. It is also controversy between the parties that which are the properties in dispute. Since plaintiff has alleged in his plaint that defendants after making a conspiracy and exercising undue influence over the mother, Mst. Mariyam fraudulently executed a forged, illegal and void Will on 11.09.2006 in favour of defendant no. 1. So this point is also important to decide this appeal on merits. It is also in question that Mohammedan law (Personal Law) is applicable or not applicable on the agricultural land.

16. In this regard the following points of determination are being made:-

- (i) What are the disputed properties which are affected by this Will?
- (ii) Whether deceased Mst. Mariyam was the sole owner of these disputed properties and she has right to execute the Will in question?

(iii) Whether the Will in question was executed by Mst. Mariyam under undue influence of defendants?

(iv) Whether the provisions of Mohammedan law (Personal Law) are applicable on the disputed land/agricultural land?

17. So far the point of determination no.(i) is concerned. Plaintiff has stated in his plaint in para no.3 that a building situated in Mohalla Purani Bazar, Nagar Panchayat Bhinga, District Shravasti was in the name of his father Mohd. Nazeer and he was owner in possession of this building during his life time. In this regard plaintiff Abdul Hameed has stated in his examination-in-chief in his affidavit in para no.3 when he was examined as PW1 that the building (house) situated in Mohalla Purani Bazar Tehsil & Pargana Bhinga, District Shravasti was in the name of his father Mohd. Nazeer till his life time. But this witness has stated in her cross-examination on 26.04.2019 at page no. 1 that there was no house in the name of Mst. Mariyam. After the death of his father house was not came in the name of his mother. He further admitted that there is no dispute regarding the house in between plaintiff and defendant no.1 Kutubunisha. In this regard defendant no.1 Kutubunisha in her cross-examination at page no. 1 on 18.02.2020 when she was examined as DW 1 stated that Mst. Mariyam had no house. She had only agricultural land. In this way there is no dispute regarding the house or Abadi land between the parties.

18. Plaintiff has asserted in his plaint that the disputed agricultural land Gata No. 3662 area 0.745 hectare situated Mauza Bhinga Dehat Pargana & Tehsil Bhinga, District Shravasti & land of Gata No. 609 area 0.089 hectare situated Mauza Rajapur Rani Pargana & Tehsil Bhinga, District Shravasti. Plaintiff has filed certified copies of Khatauni per list paper No. 7C. Khatauni of Gata No. 3662 area 0.356 hectare paper No. 9C/1 was in the name of Mst. Mariyam. In the Khatauni paper No. 9C/2 Gata No. 3662 total area 0.745 hectare was in the name of Mohd. Nazeer and thereafter the names of Abdul Aziz, Abdul Hameed, Abdul Basheer and Mst. Mariyam were mutated in this Khatauni under the provisions of Pa.Ka.11 on 28.08.2008 after death of Mohd. Nazeer. Agricultural land related to Gata No. 609 area 0.089 was in the name of Mohd. Nazeer as mentioned in Khatauni paper No. 10C. In this way the disputed land between the parties are Gata No. 3662 area 0.745 hectare, Gata No. 3662 area 0.356 hectare and

Gata No. 609 area 0.089 hectare. The point of determination no. (i) is hereby disposed of accordingly.

19. As far as the point of determination no. (ii) whether deceased Mst. Mariyam was the sole owner of these disputed properties and she has right to execute the Will in question? From perusal of the aforesaid Khatauni which are discussed above and filed by the plaintiff paper No. 9C/1 to 9C/2 and 9C/4 and Khasra paper no. 9C/3 it reveals that Mst. Mariyam was the sole owner and recorded tenure holder as a transferable rights Bhumidhar of agricultural land Gata No. 3662 area 0.356 hectare while the agricultural land of Gata No. 3662 total area 0.745 hectare and Gata No. 609 area 0.089 hectare was the name of Mohd. Nazeer who was the sole owner as a transferable right Bhumidhar and his name was also mutated in Khasra and Khatauni. He was the recorded tenure holder at the time of his death. It is admitted fact that Mohd. Nazeer has not executed any Will regarding that agricultural land. There is no dispute between the parties that Mohd. Nazeer had died in the year 1989. It is also admitted fact that Mohd. Nazeer had left his widow Mst. Mariyam and three sons namely Abdul Aziz, Abdul Hameed and Mohd. Basheer. It is also admitted fact that Mst. Mariyam had died on 06 January 2007 as mentioned in paper No. 38C/11. After death of Mohd. Nazeer the names of his sons Abdul Aziz, Abdul Hameed and Mohd. Basheer and his widow Mst. Mariyam were mutated in revenue record i.e. Khatauni and Khasra on 28.08.2008 regarding the land Gata No. 3662 area 0.745 hectare as mentioned in Khatauni paper No. 9C. In this way Mst. Mariyam was co-sharer of 1/4 share in the agricultural land Gata No. 3662 area 0.745 hectare. So far the agricultural land related to Gata No. 609 area 0.089 hectare the names of Abdul Aziz, Abdul Hameed and Mohd. Basheer were mutated after the death of Mohd. Nazeer in Khatauni as mentioned paper No. 10C. In this way the land related to Gata No. 3662 area 0.356 hectare was in the name of deceased Mst. Mariyam and she was sole owner in possession of the said land as bhumidhar with transferable rights and she has 1/4 share in the land Gata No. 3662 area 0.745 hectare. Therefore, point of determination no.(ii) is decided accordingly.

20. So far the point of determination no. (iii) and (iv) is concerned. Since both these points of determination are related to each other and based on the same evidence, therefore, these both points of determination are decided

jointly.

The execution of Will in a Sunni Muslim Sect is governed by Hanafi Law, it is appropriate to examine the requisite conditions for a valid Will. Chapter IX of Mulla's Principles of Mahomedan Law, deals with Will and Section 115 provides for the person capable of making Wills. Section 116 provides that the forms of Will is immaterial. Section 117 provides for bequest to heirs & Section 118 provides limit of testamentary power. Sections 115, 116, 117 & 118 reads as under:-

“115. Persons capable of making wills- Subject to the limitations hereinafter set forth, every Mahomedan of sound mind and not a minor may dispose of his property by will.

116. Form of will immaterial- A will (Vasiyat) may be made either verbally or in writing.

117. Bequests to heirs- A bequest to an heir is not valid unless the other heirs also consent to the bequest after the death of the testator. Any single heir may consent so as to bind his own share.

A bequest to an heir, either in whole or in part, is invalid, unless consented to by other heir or heirs and whosoever consents, the bequest is valid to that extent only and binds his or her share. Neither inaction nor silence can be the basis of implied consent. Explanation- In determining whether a person is or is not an heir, regard is to be had, not to the time of the execution of the Will, but to the time of the testator's death.

118. Limit of testamentary power- A Mahomedan cannot by will dispose of more than a third of the surplus of his estate after payment of funeral expenses and debts. Bequests in excess of the legal third cannot take effect, unless the heirs consent thereto after the death of the testator.”

21. In this way a person of Sunni Muslim Sect who is sound mind and not a minor may disposed of his property by Will either in writing or verbally but a bequest to an heir is not valid unless the other heirs given consent to the bequest after the death of the testator. He cannot dispose of more than third share of his estate by Will after payment of funeral expenses and debts.

22. In the present case testator Mst. Mariyam had executed a registered Will in question of her all movable or immovable property in favour of defendant No.1 Kutubunisha. This is not in dispute that the testator Mst. Mariyam had not executed the Will in question in favour of Kutubunisha deft. no. 1. The Will in question is a registered document. In this regard DW3 Firoz Khan attesting witness of the said Will has stated in his examination-in-chief in affidavit that Mst. Mariyam had executed a Will in favour of her daughter-in-law Kutubunisha in his presence regarding her whole movable and immovable property. Testator Mst. Mariyam was happy with the services of Kutubunisha. He had made his thumb impression along with another attesting witness Isril on 11.09.2006 at Sub Registrar Office Bhinga Mst. Mariyam had died in the year 2007. In his cross-examination he stated that Will was written in his presence. The Will which was executed by Mst. Mariyam on which he was witness and another witness was Mohd. Isril. This Will was written by Suriya Narayan Singh. This witness has identified the photo of Mst. Mariyam on paper no. 8C/2 and also identified his thumb impression on this Will at paper no. 8C/3. He further stated that Will was written by Mst. Mariyam of her whole movable and immovable property. This witness has proved the Will in question as attesting witness. So far the question which was raised by the plaintiff on the Will in question that Will was executed by the testator Mst. Mariyam under undue influence of defendants. The burden lies on the plaintiff to prove this fact that Will in question was executed in undue influence of defendants. Plaintiff has not given any evidence that Will in question was executed in undue influence of defendants. Therefore, the Will in question was executed in favour of Kutubunisha deft. no.1 by testator Mst. Mariyam on 11.09.2006 without undue influence of defendants.

23. Now, it has to be seen that whether the Muslim Personal Law is applicable on the agricultural land of Uttar Pradesh regarding the succession or Will. In this regard **Section 169 of UPZA & LR Act, 1950** provides as under:-

169. Bequest by a bhumidhar.-

(1) A [bhumidhar with transferable rights] may by will bequeath his holding or any part thereof, except as provided in [sub-section (2A)].

[(2 A) In relation to a [bhumidhar with transferable rights]

belonging to a Scheduled Caste or Scheduled Tribe, the provisions of [section 157-A and 157-B] shall apply to the making of bequests as they apply to transfer during lifetime.]

(3) Every Will made under provisions of sub-section (1) shall, notwithstanding anything contained in any law, custom or usage, [be in writing, attesting by two persons and registered].

Now, these provisions are provided in **Section 107 of Uttar Pradesh Revenue Code, 2006** read as under:-

107. Bequest by Bhumidhar or Asami. -

(1) Subject to the provisions of sub-section (2), a Bhumidhar with transferable rights may bequeath his interest in any holding by Will.

(2) In relation to a Bhumidhar with transferable rights belonging to a Scheduled Caste or Scheduled Tribe, the provisions of Sections 98 and 99 shall apply to the making of bequests as they apply to transfer during life time.

(3) Every Will made under this section shall, notwithstanding anything contained in any law, custom or usage, be in writing attesting by two witnesses and registered.

(4) No Bhumidhar with non-transferable rights or asami shall have the right to bequeath his interest in any holding by Will.

(5) A bequest made in contravention of the provisions of this section shall be void.

24. In this regard Division Bench of Hon'ble Allahabad High Court in case of **Smt. Anjali Kaul and Another Vs. Narendra Zutshi and Others** **2013 SCC Online All 3843** has held under:-

“19. A Full Bench decision of this Court in the case of Ramji Dixit v. Bhiruganath, 1965 All 1 is worth quoting:

“An agricultural tenant has no religion and no personal law except as expressly provides in the Zamindari Abolition and Land Reforms Act. It applies to Hindus, Muslim, Christians etc. regardless of their religion and, therefore, regardless of their personal law except as regards succession in certain cases. It contains its own provisions regarding inheritance and transfer; and when it has left certain matters to be governed by the personal law it has done so by an express provision. Personal law has never been applied

proprio vigore to questions of inheritance and transfer of tenancy rights as it has been applied to inheritance and transfer of proprietary rights.”

25. Hon’ble Apex Court has held in case of **Jamil Ahmad Vs Vth ADJ Moradabad (2001) 8 SCC 599** in para no. 11 read as under:-

“11. The property (both movable as well as immovable) left by a deceased Muslim is called matruka. The scheme of distribution of matruka among the heirs of a deceased Muslim is that first that part of the matruka which is covered by a will of the deceased, if there is a valid will (subject to a maximum of 1/3rd of the total matruka provided it is not in favour of an heir) will be separated and given to the legatee. The balance of matruka alone is distributable among the heirs and in the proportion ordained under the Mohammedan law. However, in regard to bhumiswami land the distribution of matruka will be governed by Sections 169 and 171 of the ZALR Act. Consequently the limitation placed under the Mohammedan law that the bequest should not exceed 1/3rd of the matruka of the deceased and it should not be in favour of an heir, will not apply; so also classification of heirs and the proportion in which they will inherit matruka under the Mohammedan law is replaced with the provisions of Section 171 of the ZALR Act in which a different order of succession is provided.”

26. The rider of maximum 1/3 share of total matruka as provided in Mohammedan Law is not applicable on the agricultural land of transferable rights of Bhumidhar in Uttar Pradesh as provided in Section 169 of UPZA&LR Act, 1950 and in Section 107 of Uttar Pradesh Revenue Code, 2006 as discussed by the Hon’ble Supreme Court as well as Hon’ble High Court in the above cited cases. The following points of determination no. (iii) and (iv) are decided in favour of defendant no.1/appellant Kutubunisha accordingly.

27. From the above discussion and analysis of the evidence, I come to the conclusion that deceased Mst. Mariyam was the sole owner of Gata No. 3662

area 0.3560 hectare and she had 1/4 share in Gata No. 3662 area 0.745 hectare. She has no share and ownership in the land of Gata No. 609 area 0.089 hectare. The Will in question was executed by Mst. Mariyam by her in sound mind and this Will is found genuine and valid to the extent of her share as mentioned above. The provisions of Mohammedan Law are not applicable on the land in question because agricultural land in Uttar Pradesh is governed by the provisions of UPZA&LR Act, 1950 and UP Revenue Code, 2006 as discussed above. In this way Ld. Trial Court has committed a legal error in passing the impugned judgment and decree dated 04.04.2024 and wrongly observed that Will in question is hit by the provisions of Mohammedan Law. Ld. Trial Court has wrongly decreed the suit of plaintiff which is not sustainable. Therefore, appeal deserves to be allowed.

Order

Regular Civil Appeal No. 03/2025 is hereby allowed with costs. The judgment and decree dated 04.04.2024 is hereby set aside. The Will in question dated 11.09.2006 is valid and effective in respect of the land of Gata No. 3662 area 0.3560 hectare and 1/4 share of Gata No. 3662 area 0.745 hectare situated in Mauza Bhinga Dehat Pargana & Tehsil Bhinga, District Shravasti. The Will in question is not applicable on the land of Gata No. 609 area 0.089 hectare situated in Village Rajapur Rani Pargana & Tehsil Bhinga, District Shravasti.

Let the record be consigned.

Dated:-27.07.2026

(Dinesh Chand)
District Judge,
Shravasti

The judgment signed, dated and pronounced by me in the open Court today.

Dated:-27.07.2026

(Dinesh Chand)
District Judge,
Shravasti