

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

SA No. 43 of 2015

Savitri Bai Died Thru- Lrs- Ravishankar And Ors. **Versus** Leeladhar And Ors

04.01.2023	Shri R.S. Patel, Advocate appears along with Shri Palash Agrawal, counsel for the Appellants. Ms. Prachi Singh, Advocate appears on behalf of Shri Shikhar Sharma, counsel for Respondent No.1. Shri Priyanshu Gupta, Panel Lawyer for the State/ Respondent No.3. Heard on admission. This appeal is admitted on the following substantial questions of law: 1. Whether finding of the Lower Appellate Court holding that the execution of the Deed of Will dated 02.07.1995(Ex.D-2) purported to have been executed by one Kanti Bai wd/o Gangdev in favour of Defendant No.1- Leeladhar, cannot be held to be declared as null and void in absence of seeking the relief for its cancellation by the Plaintiff, is perverse ? 2. Whether under the facts and circumstances of the case, the due execution, attestation and validity of the Deed of Will dated 02.07.1995 (Ex. D-2) purported to have been executed by one Kanti Bai wd/o Gangdev in favour of Defendant No.1- Leeladhar, was duly established by its propounder in the light of the provisions prescribed under Section 68 of the Indian Evidence Act, 1872 ? Issue notice to Respondent Nos.2-a to 2-d only, on payment of P.F. as per rules.

Learned counsel for the Appellants is directed to supply the substantial questions of law as framed to the counsel for Respondent Nos.1 and 3 within a period of 15 days from today.

Also heard on I.A.No.11, an application praying for restraining the Respondents from alienating the property in question pending decision of this appeal and also on I.A.No.8, an application for taking documents on record.

Shri R.S. Patel, learned counsel for the Appellants does not want to press these applications.

Accordingly, I.A.No.11 and I.A.No.8 are rejected as not pressed and disposed of.

In view of above, IA.No.9/2018 and I.A.No.10/2022, which are the applications for urgent hearing, stand disposed of.

Post this matter after 5 weeks for further orders.

Sd/-

(Sanjay S. Agrawal)
Judge