



S.A.Nos.626 & 627 of 2007

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KRISHNAN RAMASAMY, J.,

The Second Appeal is admitted on the following substantial questions of law:

1. When the Lower Appellate Court reverses the decision of the Trial Court is it not the duty of the Lower Appellate Court to consider each and every one of the points considered by the trial Court and point out how it is wrong and incorrect and thereafter give its own reason for coming into a different conclusion?

2. Is the Lower Appellate Court correct and justified in holding that the alleged Will Ex.B-1 is true by construing the pleading that the signature has not been denied?

3. Will not the plea of forgery taken in the plea regarding signature also and that being so is it not the duty of the propounder to prove due execution and attestation?

4. Even assuming that the evidence of D.W.3 to 6 can be believed will that prove due attestation and execution of Ex.B.1?



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5. On the face of Ex.B.1 when there are suspicious circumstances, is it not the duty of the propounder to dispel the same?

2. Post the matter on 23.11.2022 for final hearing. In the mean time, the Registry is directed to call for the records from the courts below.

gbi

27.09.2022

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