

Bimla Devi and Ors vs. Vidya Devi and Ors.
RSA No. 291 of 2024

26.02.2026

Present: Mr. Aakash Thakur and Mr. Varun Thakur,
Advocates, for the appellants.

None for the respondents.

Heard.

Admit on the following substantial questions of
law:

1. Whether the Ld. Courts below have rightly held that the will dated 18.12.2002 i.e., Ex DWI/A to be a valid will when the mandatory requirements of section 63(c) of Indian Succession Act have not been proved by the propounder of will and scribe as well as Sub-Registrar has not stated about the execution of will in accordance of section 63(c) of the Act?
2. Whether the scribe and Sub-Registrar can be taken as attesting witness of will specially when the attesting witness of will i.e., PW 2 has denied the execution of the will i.e., Ex DW1/A when stepped into the witness box?
3. Whether the Ld. Courts below have rightly held the will Ex DW1/A to be a valid will specially when the propounder of will has failed to remove/ explain the shrouded circumstances under which the alleged will has been executed specially the active participation of beneficiary of will i.e defenant No.1 who has dictated the contents of will to scribe, DW2?

Record be requisitioned.

List in due course.

**(Romesh Verma)
Judge**

**February 26, 2026
(veena)**