

Pawan Kumar and others vs. Rameshwar Dass and others.

RSA No. 244 of 2025

23.03.2026 Present: Mr. Ashok K. Tyagi, Advocate, for the appellants.

Mr. Servedaman Rathore, Advocate, for the respondents.

Heard.

Admit on the following substantial questions of law:

1. Whether the Ld. First Appellate Court erred in law in reversing the findings of the Trial Court without satisfying the mandatory requirements of Sections 63 of the Indian Succession Act and 68 of the Indian Evidence Act, thereby vitiating its findings regarding proof of the Will dated 25.12.1991 (Ext. DW-4/C)?
2. Whether the Ld. Appellate Court failed to appreciate that once the Will dated 25.12.1991 was duly proved through attesting witness and corroborative expert report (Ext. DW4/B), the earlier Will dated 02.12.1990 stood revoked by necessary implication under Section 70 of the Indian Succession Act, 1925?
3. Whether the Ld. First Appellate Court has exceeded its jurisdiction under Section 96 CPC by re-appreciating evidence as a third fact-finding body and substituting its own subjective inferences without demonstrating perversity or illegality in the Trial Court's reasoning?

Record be requisitioned.

CMP No. 27266 of 2025

Learned counsel for the applicants seeks permission to withdraw the present application with liberty to file afresh under the relevant provisions of law.

Prayer accepted.

Application stands disposed off as having been withdrawn.

**(Romesh Verma)
Judge**

March 23, 2026
(*veena*)