



IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA No. 364 of 2025

Ramkali Dubey and another ***Appellants***
Represented by
Mr.P.K. Satapahy, Advocate
-Versus -
Ragini Pandey and Others ***Respondents***
Represented by

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
12.08.2025

Order No.
1.

1. This matter is taken up through hybrid mode.
2. Heard Mr. P.K. Satapathy, learned counsel for the appellants. Perused the impugned judgments.
4. Considering the submissions and the grounds raised, the second appeal is admitted on the following substantial questions of law:-

i. Whether both the Courts are correct in not framing any issue on the nature of the suit schedule property as self acquired property of Ramdulare or ancestral property of Ramdulare, particularly when the plaintiff claims the suit schedule land is self-acquired property and defendant's is ancestral property acquired by Ramdulare?

ii. Whether Courts below while examining the validity of the Will executed by an illiterate person, who gave his L.T.I. and Hindi signature on the Will (Exhibit-3) should have ascertained the truth about the contents of the Will had been read over and explained to the executant in the language known to him and the executant after understanding the contents in the known language gave his L.T.I. and Hindi signature for execution of the Will?



iii. *Whether both the courts below are correct in believing the due execution of the Will (Exhibit-3) only because the same was registered, when to prove the Will compliance of legal requirement prescribed under Sections 68 and 71 of the Evidence Act is the mandatory requirement irrespective of its registration?*

iv. *Whether execution of the Will at the age of 85 years of the executant in favour of a daughter for the entire property ignoring six sons and their children without any specific contention regarding any loss of love and affection towards the sons and their children creates suspicious circumstances in valid execution of the Will and bequeathing the property ?*

5. Issue notice to the respondents by registered post with A.D. making it returnable within four weeks. Requisites be filed within three working days.

6. Call for the LCR.

7. List this matter in the month of April, 2026.

(Sashikanta Mishra)
Judge

I.A. No. 292 of 2025

Order No.

2.

1. Status quo with regard to the suit property as on date shall be maintained till the next date.
2. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge

B.C. Tudu

Signature Not Verified

Digitally Signed
Signed by: BHIGAL CHANDRA TUDU
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 14-Aug-2025 15:53:54

