



2026:RJ-JP:32954

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Second Appeal No. 327/2022

Vijay Singh S/o Jagmaal Singh & Anr.

-----Appellants

Versus

Ramoti Alias Vimla Devi D/o Late Jamura & Anr.

-----Respondents

For Appellant(s) : Mr. Abhimanyu Singh Yaduvanshi

For Respondent(s) : Mr. Amit Jindal

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

18/11/2022

Appellants-defendants have preferred this second appeal against the judgment and decree dated 21.10.2022, whereby and wherunder the questioned will in favour of appellants has been cancelled.

On behalf of respondent-plaintiff, Advocate Mr. Amit Jindal has put in appearance as caveator and submits that the will was alleged to be executed by Smt. Chandkaur, who is real mother of the plaintiff and no reasons have been assigned in the will to exclude real daughter and execute the will in favour of nephews. He submits that in such a situation heavy burden lies upon defendants to prove the will as genuine, but the evidence to prove the will lacks. Per contra, plaintiff has successfully proved the will as forged and prepared document. He also pointed out that in the FSL Report the thumb impression of executant on the will was not found matched with her original thumb impression. Therefore, the appellate court is well within its jurisdiction to cancel such will.

Since counsel has already been appeared on behalf of respondent-plaintiff as caveator and on request of counsel for appellants, service of notice upon respondent No.2, who is a proforma respondent being Deputy Registrar, Behror, is dispensed with. Hence, service stands complete.

In the meanwhile, status quo in respect of the suit property as to alienation and possession shall be maintained, as it exists today.

(SUDESH BANSAL),J

SACHIN/7



सत्यमेव जयते