

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 1750/2025

Bashiri Daughter Of Late Samsoo And Aamuli Wife Of Nasru
-----Appellant

Versus

Mu. Rahmati Daughter Of Late Samsu Wife Of Rustam and Ors.
-----Respondents

For Appellant(s)	:	Mr. R.K. Mathur, Sr. Adv. assisted by Mr. Aayush Goyal Mr. Lucky Sharma
For Respondent(s)	:	

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

11/11/2025

1. Plaintiff's civil suit seeking to declare the Will dated 17.03.1990 as null and void qua plaintiff's right has been dismissed on merits vide judgment dated 20.09.2025 passed in Civil Suit No.108/2022 (CIS No.4929/201) by the Additional District Judge No.4, Alwar whereagainst this Civil First Appeal has been filed.

2. Learned Senior Counsel appearing on behalf of appellant-plaintiff submits that the trial Court erred in placing the burden of proof on the plaintiff to prove that Will is an invalid document whereas it is settled proposition of law that the propounder of Will must prove the execution of Will in accordance with the provisions under Section 63 of the Indian Succession Act and 68 of the Indian Evidence Act (Now Section 67 of the Bharatiya Sakshya Adhiniyam, 2023).

3. Learned Senior Counsel submits that none of the attesting witnesses to Will in question has appeared in the witness box.
4. Heard.
5. Admit.
6. Issue notice to respondents for hearing of appeal as also of stay application.
7. Record of the trial Court be summoned.
8. Stay application shall be considered after service of notice upon respondents.

(SUDESH BANSAL),J

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