

Court No. - 49

Case :- WRIT - B No. - 1681 of 2025

Petitioner :- Smt. Srishti Singh And 2 Others

Respondent :- Board Of Revenue U.P. At Prayagraj And 6 Others

Counsel for Petitioner :- Sanjai Singh, Satendra Kumar Singh, Suresh Chandra Varma

Counsel for Respondent :- C.S.C., Dhiraj Kumar Srivastava, Neeraj Kumar Srivastava

Hon'ble J.J. Munir, J.

The submission of the learned counsel for the petitioners is that the dispute relates to two rival claims for testamentary succession to the estate of the late Amar Singh, who executed three successive Wills, all registered. The first was dated 28.02.2005 executed at Meerut, the second on 06.03.2007 at Sardhana, and, the third again at Meerut, shortly after the second Will, on 23.06.2007. The first and the second petitioners are the granddaughters of the testator whereas petitioner no. 3 is the daughter-in-law, that is to say, the testator's son's widow. The contesting respondent nos. 5, 6 & 7 are three daughters of Amar Singh, who propounded the third Will dated 23.06.2007. The names of the petitioners came to be recorded on the basis of an entry in PA-11. This led the name of the first and the second petitioner's father Vijendra Singh, who was alive when Amar Singh passed away, to be recorded through the entry in PA-11. Two mutation applications were filed by respondent nos. 5, 6 & 7 relating to different properties left by Amar Singh on the basis of third Will dated 23.06.2007. The claim was resisted by the petitioners on the basis of the second Will dated 06.03.2007.

It appears that in the third Will, the petitioners, who represent the

testator's male line, were completely excluded. All the three authorities below have accepted the case of the respondents based on the third Will dated 23.06.2007.

The submission of the learned counsel for the petitioners is that there are complicated questions of title relating to proof of the Will where registered Wills are pitted against each other and it is beyond the jurisdiction of the mutation authorities to disturb the existing entry in summary proceedings for mutation on the basis of title. If the respondents desire to establish their title based on the Will dated 23.06.2007 they could do that by bringing a title suit before a Court of competent jurisdiction.

Prima facie the contention is well founded.

Admit.

Issue notice.

Notice on behalf of respondent nos. 1,2,3 & 4 is accepted by Mr. Sanjay Kumar Ray, learned Standing Counsel. Mr. Neeraj Kumar Srivastava, Advocate accepts notice on behalf of respondent no. 5. Both the learned counsel for the respondents are granted two weeks time to file a counter affidavit.

Steps to serve respondent nos. 6 & 7 shall be taken by RPAD within three days.

List for **orders** on **19.05.2025** along with a report regarding service and the postal track attached. The office shall also put in a report regarding status of pleadings.

Order on Civil Misc. Stay Application No. 1 of 2025

Issue notice.

Until further orders of this Court, operation of the impugned order

dated 15.04.2025 passed by the Board of Revenue, U.P. at Prayagraj, the order dated 19.02.2024 passed by the Sub Divisional Officer, Meerut and the order dated 21.09.2023 passed by the Tehsildar, Tehsil Sardhana, District Meerut shall remain **suspended** and the parties shall maintain status quo regarding possession, nature and character of the property in dispute. It is further ordered that none of the parties shall alienate the property in dispute or encumber it.

This order, however, will not prevent either party from instituting a suit in the Court of competent jurisdiction to establish their claim. Let this order be communicated to the Sub Divisional Officer, Meerut and the Tehsildar, Tehsil Sardhana, District Meerut through the Chief Judicial Magistrate, Meerut by the Registrar (Compliance) by **Monday next**.

Order Date :- 2.5.2025

Brijesh Maurya