

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 8892 OF 2003

DANIEL PREMACEY RAMBALL

Appellant (s)

VERSUS

JOSEPH CHARLAS SALVI (D) BY LRS. & ANR.

Respondent(s)

(With prayer for interim relief)

Date: 12/08/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s)

Mr. Ajit S. Bhasme, Adv.
Mr. Brajesh Pandey, Adv.

For Respondent(s)

Ms. Aparna Bhat, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is disposed of in terms of the signed order. No costs.

(D.K.Gupta)
Sr.P.A.

(Indu Satija)
Court Master

[The Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8892 OF 2003

Daniel Premacey Ramball

...Appellant

Vs.

Joseph Charlas Salvi (Dead)
Thr. Lrs. And Anr.

...Respondents

ORDER

This appeal has been filed against the impugned order of the Bombay High Court dated 11th March, 2002 passed in First Appeal No.775 of 1990.

The facts have been set out in the impugned order and hence we are not repeating the same here except wherever necessary.

It appears that one Maltibai had executed two Wills, one in the year 1961 and the second in the year 1969. Regarding the Will of 1961 the matter has been remanded by the High Court to the lower Court to verify whether the Will was duly executed by Maltibai or not. Regarding the will of 1969, it seems that the High Court has not properly examined the evidence of the attesting witness Mr. Philip Mathew and other relevant material.

Hence, we allow this appeal on this ground alone, set aside the impugned judgment of the High Court and remit the matter to the Trial Court to consider the validity of both the Wills and record its findings after considering the relevant material, without being influenced by any of the observations made in this Order or in the order impugned.

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The respondent No.2 shall also be made a party. The Trial Court shall decide the matter expeditiously.

.....J.
(MARKANDEY KATJU)

.....J
(T.S. THAKUR)

New Delhi
August 12, 2010