

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.928 OF 2016

RAMKALI SONI & ORS.

APPELLANT(S)

VERSUS

MUKTA SONI

RESPONDENT(S)

O R D E R

1. The sole respondent, being the plaintiff, filed a suit for declaration of title and possession against her brother-in-law, whose successors are the appellants before us. The said suit was filed by her on the basis of a registered will dated 25.01.1993 executed by her father-in-law, namely, Mangal Prasad Soni, in her favour. She is the daughter-in-law of the testator and the will excludes the predecessor of the appellants notwithstanding the fact that he is the son of the testator.
2. The Trial Court and the First Appellate Court were pleased to disbelieve the will, and accordingly, dismissed the suit due to the following suspicious circumstances surrounding the will: the scribe of the will was not examined, there was no evidence to show that

the contents of the will were read over to the testator, PW-2, being one of the attesting witnesses to the will, did not know who drafted the will and was not aware of whether the medical examination of the testator was conducted. Many of the suspicious circumstances surrounding the will were not dispelled by the respondent. These circumstances include the fact that the respondent was residing at a place which was far away from the residence of the testator, there was no basis for the exclusion of the predecessor of the appellants in the will and the will was signed by the testator in English as against his usual practice of signing in Hindi.

3. By the impugned judgment, the High Court was pleased to set aside the concurrent findings rendered by the Courts below, and decreed the suit on the premise that the will was registered and the attesting witnesses of the will had been examined and that in the absence of any contrary evidence produced by the appellants, the respondent, being the plaintiff, is entitled to the relief.
4. We do not need to say anything on the impugned judgment. The High Court has completely misunderstood the law governing the proof of will. It is for the propounder/beneficiary to prove the will to the satisfaction of the Court. The Trial Court and the First

Appellate Court, being the Courts of fact, have given cogent reasoning to disbelief the will. The High Court, while answering the substantial question of law, has completely misdirected itself in passing the impugned judgment. We are inclined to set aside the impugned judgment and remit the matter to the High Court for fresh consideration as nothing has been stated on merits in the impugned judgment, except by wrongly fixing the onus on the appellants.

5. In such view of the matter, the impugned judgment stands set aside and the matter stands remitted to the High Court for fresh consideration.
6. We request the High Court to expedite the hearing of the appeal and make an endeavour to dispose it of on its own merits, within a period of six months from today.
7. The appeal is allowed with the aforesaid observations.
8. Pending application(s), if any, shall stand disposed of.

.....J.  
[M. M. SUNDRESH]

.....J.  
[RAJESH BINDAL]

NEW DELHI;  
8<sup>th</sup> MAY, 2025

ITEM NO.101

COURT NO.8

SECTION IV-C

**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). 928/2016

RAMKALI SONI &amp; ORS.

Appellant(s)

VERSUS

MUKTA SONI

Respondent(s)

Mediation Report received. [ PART-HEARD BY : HON'BLE M.M. SUNDRESH AND HON'BLE RAJESH BINDAL, JJ. ]

Date : 08-05-2025 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH  
 HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s) Dr. Rajesh Pandey, Adv.  
 Ms. Mridula Ray Bharadwaj, AOR

For Respondent(s) Mr. Sanjay Nuli, Sr. Adv.  
 Mr. Akshat Shrivastava, AOR  
 Mr. Shivraj Singh, Adv.  
 Mr. Palash Pareek, Adv.  
 Mr. Vibhor Jain, Adv.

UPON hearing the counsel the Court made the following  
 O R D E R

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)  
 ASTT. REGISTRAR-cum-PS  
 (Signed order is placed on the file)

(POONAM VAID)  
 ASSISTANT REGISTRAR