

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2025
(ARISING OUT OF SLP (CIVIL) NO. 11454 OF 2023)

SUSHMA & ANR.

APPELLANT(S)

VERSUS

THE STATE OF UTTAR PRADESH &
ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned counsel/senior counsel for the parties.
3. In the proceedings for consolidation of the land in accordance with provisions of the Uttar Pradesh Consolidation of Holdings Act, 1953, two issues eventually arose for consideration before the High Court. The first one pertains to the validity of adoption of Sunil Kumar by Late Chandrabhan and the second issue was whether Chandrabhan executed a valid registered Will bequeathing his properties/estates in favour of Sunil Kumar, who was the predecessor-in-interest of the appellants.
4. In view of the nature of order we propose to pass, namely, remanding the case to the High Court with a request to decide both the questions afresh, it is not necessary for us to go into the facts in detail or consider the validity of the subsequent sale deeds executed in favour of respondent No.6 in respect to the subject land. What we are unable to approve is the reason assigned by the High Court in paragraph 13 of the impugned judgment that *"The Will in dispute was executed by Chandrabhan in favour of his adopted son Sunil Kumar. Once it is found that adoption deed of*

Sunil Kumar was void and Sunil Kumar is not the adopted son of Chandrabhan, the validity of Will cannot be assumed." Not only this, the High Court has further taken notice of the fact that though the validity of the Will was not challenged before the Consolidation Authorities, however, no benefit of Will can accrue to the appellants once they fail to prove the adoption of Sunil Kumar to Chandrabhan.

5. This reasoning, in our considered opinion, is totally erroneous in law. For validation of the Will, it was not obligatory to prove that Sunil Kumar was validly adopted or that a Will could not be executed in his favour unless he was found to have been adopted. Such an issue could arise only when Sunil Kumar would have claimed intestate succession. The legal parameters for determining a valid Will are well defined in a catena of decisions by this Court. Ordinarily, a registered Will, unless shrouded by strong suspicious circumstance, ought not be discarded.

6. Consequently and without expressing any opinion on merits, we dispose of this appeal; set aside the impugned judgment dated 20.12.2022 of the High Court and remit the case with a request to re-determine both the questions, namely, (1) whether Sunil Kumar was validly adopted by Chandrabhan; and (2) even if such adoption is not proved, whether the registered Will executed by Chandrabhan bequeathing his properties in favour of Sunil Kumar suffers from any illegality?

7. Since, we have not expressed any opinion on merits, the High Court is requested to decide the case afresh keeping in view the material on record and without being influenced by the fact that

the matter has been remanded. The order of status quo which has been operating since the matter was pending before the High Court or this Court shall continue till the matter is finally decided.

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

.....J.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

NEW DELHI;
JULY 30, 2025.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 11454/2023

[Arising out of impugned judgment and order dated 20-12-2022 in WB No. 2753/2022 passed by the High Court of Judicature at Allahabad]

SUSHMA & ANR.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No. 3531/2024 - APPLICATION FOR PERMISSION, IA No. 86623/2024 - EXEMPTION FROM FILING O.T., IA No. 101568/2023 - EXEMPTION FROM FILING O.T., IA No. 86621/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No. 101567/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 30-07-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) : Dr. Sushil Balwada, AOR

For Respondent(s) : Mr. Aldanish Rein, AOR

Mr. S.R. Singh, Sr. Adv.
Mr. Prithvi Yadav, Adv.
Mr. Mangal Prasad, Adv.
Mr. Gaurav Lomes, Adv.
Mr. Anurag Singh, Adv.
Ms. Radha Rajput, Adv.
Mr. Vikas Jain, Adv.
Ms. Anjale Patel, Adv.
Mr. Manjit Saini, Adv.
Mr. Anurag Dubey, Adv.
Mr. Sanjeev Malhotra, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall stand closed.

(NITIN TALREJA)

ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)

ASSISTANT REGISTRAR

(Signed order is placed on the file)