[2025] 7 S.C.R. 1341 : 2025 INSC 879

Metpalli Lasum Bai (Since Dead) and Others
v.
Metapalli Muthaih (D) by Lrs.

(Civil Appeal No. 5921 of 2015)

21 July 2025

[Vikram Nath and Sandeep Mehta,* JJ.]

Issue for Consideration

Whether the High Court, manifestly erred while interfering with the well-reasoned judgment of the trial Court and substituting its own findings by reducing the share of plaintiff-LB in the suit schedule properties; whether the view taken by the trial Court was based on appreciation of the evidence and the prevailing legal principles.

Headnotes†

Suit – Declaration of title – Registered Will – Family settlement – Distribution of the properties – Plaintiff-LB (second wife of MR) filed a suit being original suit no. 2 of 1991 for declaration of her title over the suit schedule properties *i.e.*, the properties which came to her share under the registered Will dated 24.07.1974 executed by MR – Defendant-M (son of MR from his first marriage) set up a case in his written statement that the properties were joint ancestral properties and as MR died intestate in the year 1983, he became the sole coparcener of the Hindu Undivided Family (HUF) – Trial Court decreed suit in favour of plaintiff and declared her to be a true owner of the suit scheduled properties – However, the High Court set aside the trial Court's judgment and held that the defendant-M was entitled to 3/4th share and the plaintiff-LB was entitled to only 1/4th share in the suit schedule properties – Correctness:

Held: 1. The genuineness of the Will is beyond doubt because it not only confers the right and title over a part of the land owned by the Testator, MR to the plaintiff-LB, but it also grants a lion's share of the property to the defendant-M – Had it been the intention of MR to deprive the defendant-M of the land or if the Will had been manipulated, then the defendant-M could have been left out completely from gaining any benefits under the Will – The view taken by the trial Court being based on *apropos* appreciation of the

* Author

evidence and the prevailing legal principles is unassailable in facts as well as in law – The High Court, manifestly erred while interfering with the well-reasoned judgment of the trial Court and substituting its own findings by reducing the share of plaintiff-Lasum Bai in the suit schedule properties – The judgment and decree rendered by the trial Court is, consequently, restored. [Paras 10-12]

2. The Will is a registered document – The defendant-M in his evidence, admitted the signatures as appearing on the said Will (Ext.-A1) to be that of his father, *i.e.*, MR – The Will distributed the properties in defined proportions between the plaintiff-LB, defendant-M and R (widowed daughter of MR) – There is ample material on record to establish that MR anticipated that the relations between plaintiff-LB and defendant-M were not congenial and that is why, in order to avoid future conflicts, he divided his properties by way of a family settlement and bequeathed a share thereof to plaintiff-LB, while leaving the major share to his son i.e., the defendant-M – The distribution of the properties, as per the family settlement (regarding which oral evidence was led), and the registered Will is almost in the same proportions – The Will, is a registered document and thus there is a presumption regarding genuineness thereof – MR admitted the fact that the plaintiff-LB was in possession of 6 acres and 16 guntas of land, which fell into her share as per the Will – In this background, the trial Court was right in holding that MR made a fair distribution of his tangible assets amongst his legal heirs by executing the Will dated 24.07.1974 and so also the oral family settlement. [Para 9]

List of Keywords

Will; Declaration of her title; Will distributed the properties; Admission of the signatures as appearing on the registered Will; Ancestral properties; Will is a registered document; Presumption regarding genuineness.

Case Arising From

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 5921 of 2015

From the Judgment and Order dated 23.01.2014 of the High Court of A.P At Hyderabad in AS No. 178 of 1995

With

Civil Appeal No. 5922 of 2015

Metpalli Lasum Bai (Since Dead) and Others v.
Metapalli Muthaih(D) by Lrs.

Appearances for Parties

Advs. for the Appellants:
Gaurav Agarwal, Sr. Adv., Guntur Prabhakar, Ms. Prerna Singh, Alakh Alok Srivastava.

Advs. for the Respondents:
Guntur Prabhakar, Alakh Alok Srivastava.

Judgment / Order of the Supreme Court

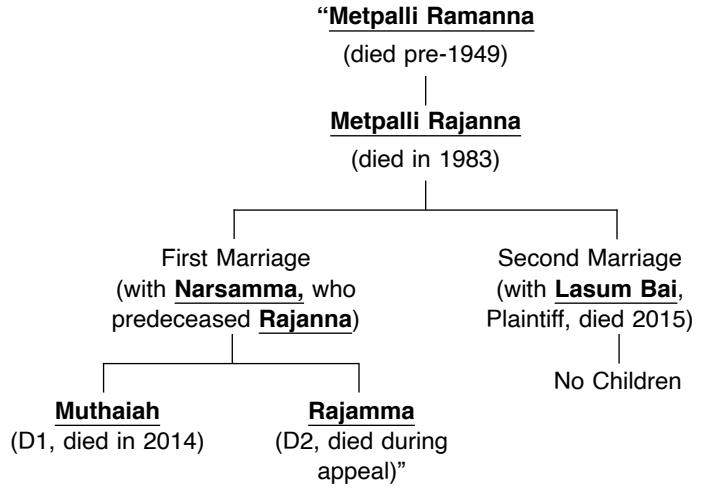
Judgment

Mehta, J.

1. Heard.

2. These two appeals arise out of rival claims of the legal representatives of late Metpalli Rajanna over a chunk of land admeasuring 4 acres and 16 guntas located at village Dasnapur.

3. For the sake of convenience, the genealogical table of the parties is reproduced hereinbelow: -



4. Facts in a nutshell relevant and essential for disposal of the appeals are as below.

   4.1. The original land holder i.e., Metpalli Ramanna died intestate prior to 1949. The total landed property owned by Metpalli Ramanna is described below: -

Survey Nos.	Village	Description of Properties
28	Dasnapur	Ac. 12-32 Guntas Dry Land.
6	Mavala	Ac. 1-25 Guntas Wet Land.
9	Mavala	Ac. 1-13 Guntas Wet Land.
1/84	Savaragaon	Ac. 2-34 Guntas Dry Land.
	Total	**18 acres 06 guntas**

4.2. Metpalli Rajanna, the legal heir of Ramanna married Narsamma and from their wedlock, two children, namely, Muthaiah[1] and Rajamma were born. Narsamma died during the lifetime of M.Rajanna who contracted second marriage with Lasum Bai[2] who did not bear any child. M. Rajanna expired in the year 1983 and his daughter Rajamma also died intestate on which, a dispute over the right to property arose between plaintiff-Lasum Bai on the one side and defendant-Muthaiah on the other.

4.3. As per the plaintiff-Lasum Bai, M.Rajanna anticipated the disputes between her and his son from the 1st marriage i.e., defendant-Muthaiahand to avoid the same, he made an oral family arrangement distributing his properties as below: -

Lasum Bai (2nd wife of M. Rajanna)	1. Sy. No. 28 of Dasnapur Village-Ac.6-16 Gts out of Ac.12-32 Gts. 2. 1/3rd portion of Sy. Nos. 6 & 9 Mavala Village, out of Ac. 2-38 Gts. 3. Cattle shed bearing Panchayat No. 3-4 situated at Savaragaon Village.
Muthaiah	1. Sy. No. 28 of Dasnapur Village-Ac.6-16 Gts out of Ac.12-32 Gts. 2. 1/3rd portion of Sy. Nos. 6 & 9 Mavala Village, out of Ac. 2-38 Gts.
Rajamma (widowed daughter)	1. Sy. No. 1/84 of Savaragaon Village, Ac. 2-34 gts. 2. 1/3rd portion of Sy. Nos. 6 & 9 Mavala Village., out of Ac. 2-38 Gts.

1 Hereinafter, referred to as "defendant-Muthaiah".

2 Hereinafter, referred to as "plaintiff-Lasum Bai".

4.4. M. Rajanna also executed a registered Willin favour of plaintiff-Lasum Bai recognizing the share of defendant-Muthaiah in the joint family properties. The said Will was registered on 24th July, 1974.

4.5. The case set up on behalf of plaintiff-Lasum Baiin the suit was that she was granted the rights over 6 acres 16 guntas from the chunk of land in Survey No. 28 of the Village Dasnapur which was located towards the north of the undivided plot of land whereas, defendant-Muthaiah was granted 6 acres 16 guntas of land towards south of the said plot. The said plot is the bone of contention between the parties.

4.6. Admittedly, the plaintiff-Lasum Bai sold two acres of land from her purported share to one Sanjeeva Reddy *vide* registered sale deed dated 27th August, 1987. The said registered sale deed was never questioned before any forum and remain sun challenged. The plaintiff-Lasum Bai had entered intoanother agreement on 15th July, 1987, for selling her remaining 4 acres and 16 guntas landlocated in Survey No. 28 of the Dasnapur Village[3] to one Janardhan Reddy.

4.7. Aggrieved by this agreement, defendant-Muthaiah filed an injunction suit being Original Suit No. 101 of 1987 seeking an injunction against plaintiff-Lasum Bai and to restrain her from selling the properties which came to her share under the registered Will including the plot admeasuring 4 acres 16 guntas. *Vide* judgment and decree dated 6th July, 1990,the said injunction suit was decreed in favour of defendant-Muthaiah. However, it was clearly recorded in the judgment of the District Munsif, Adilabad that the title of plaintiff-Lasum Bai was not being examined in the said injunction suit and it would be open for her to file a separate suit for declaration of title since she was claiming ownership over the plot in question.

4.8. Accordingly, plaintiff-Lasum Bai filed a suit being Original Suit No. 2 of 1991 for declaration of her title over the suit schedule properties i.e., the properties which came to her share under the registered Will[4].

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3 Hereinafter, referred to as “disputed property”.

4 Hereinafter, referred to as “suit schedule properties”.

4.9. Defendant-Muthaiah set up a case in his written statement that the properties were joint ancestral properties and as Metpalli Rajanna died intestate in the year 1983, he became the sole co-parcener of the Hindu Undivided Family (HUF).

4.10. Plaintiff-Lasum Bai based her claim on the registered Will dated 24th July, 1974 which was marked as Ext.-A1. She examined two witnesses in support of her case. Defendant-Muthaiah appeared and deposed as DW-1 and in his statement, he made some significant admissions. The relevant extracts from his deposition are quoted hereinbelow: -

> **"Chief Examination:**
>
> My grandfather Ramanna performed my marriage and the marriage of my elder sister 2nd defendant. 2nd defendant is a widow and she is residing with me. There were no divisions of the properties during the life time of my father. My father and myself were residing jointly. Myself and my father were jointly cultivating the properties mentioned by me. My father did not execute any will. My father had not shown any will to me, 2nd defendant and to the villagers. I am presently residing in Savaragaon village. **Since 12 years I am living separately from plaintiff. We are living separately because my wife, is not on good terms with the plaintiff. My father in order to save the family from disputes allowed my mother plaintiff to cultivate some part of the agricultural lands.** In Dist. Munsiffs court, Adilabad I filed a suit against the present plaintiff and in that suit, she came forward with the plea that my father had executed a will. My father had not executed any will. The will is a got up document. I have five daughters. 3 of them are married. **In order to meet the expenses of my daughters marriage I converted the land at Dasnapur into plots and *(sic)* I sold about 10 plots @ Rs. 5,000/- to Rs. 7,000/ per plot. The size of the plot is 40 to 50 feet. The contention of the plaintiff that she is cultivating Dasnapur land and Mavala land is not correct. She has given those**

lands on batai basis to others. Cattle, gold, silvers, cart and Nizam coins and other movable properties is with my mother i.e. plaintiff. Her claim that my father had executed a will deed in her favour and that she is the rightful owner of all the properties is not true. When my father allowed the plaintiff to cultivate the lands to avoid family disputes as state of my father's health was not good.

Cross Examination for the plaintiff:

…… My father allowed me to cultivate half of the land on the Southern side. My father asked her to cultivate 4 guntas of land in Mavala and asked me to cultivate 6 guntas in Mavala. My father made this arrangement on the date of his death (Arrangement relating to my cultivation on the Southern side and the plaintiff on the Northern side in Mavala village). My father did this arrangement in the presence of elders. There were no elders witness again says. I do not know whether my father made arrangement about 20 years back asking my mother to cultivate half of the land in Dasnapur on Northern side…….

I have sold plots in Dasnapur on the southern side which were under my occupation. It is true that plaintiff sold 2 acres of land in Northern portion of Dasnapur land to one P. Sanjeeva Reddy under registered sale deed. Those 2 acres of land is in possession of Sanjeeva Reddy even before I filed the suit. The 3rd defendant has been cultivating 4 acres 16 guntas in Dasnapur village which was in possession of the plaintiff since (sic) the time of my filing the suit in Munsiff's court. My mother has not sold Ac. 4-16 guntas to Janardhan Reddy 3rd defendant…..

I have come to know that patta for the land in Dasnapur to the extent of half is in the name of the plaintiff. This I came to know after filing the suit in Munsiffs office. I came to know that she filed Pahanies

> in the Munsiffs court when I filled the suit in the court, I came to know that she filed Pahanies in the Munsiffs court when I filed the suit in that court, showing that she was holding patta to the extent of half. **I have shown myself as pattadar to the extent of half of the entire extent of the southern side.** ..... **My father literate. I can identify the signature of my father. The signatures shown to me in Ex. A-1 signatures in all the sheets (6) are that of my father."**
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> **(Emphasis supplied)**

4.11. The suit filed by plaintiff-Lasum Bai came to be decreed by the District Judge, Adilabad[5] *vide* judgment and decree dated 15th November, 1994 with the following pertinent findings: -

i. That the plaintiff-Lasum Bai had established her case that M. Rajanna had executed the Will (Ext.-A1) in a sound disposing state of mind.

ii. That in absence of any evidence to the contrary, the admission of the first defendant that M. Rajanna had allowed defendant Nos. 1 and 2 to cultivate their respective portions of land, distinct from each other and that they had been in exclusive possession over their respective portions of land and made it clear that the family arrangement pleaded by the plaintiff-Lasum Bai was true.

4.12. With these conclusions arrived at after thorough appraisal of evidence on record, the trial Court proceeded to decree the suit in favour of the plaintiff-Lasum Bai and granted a declaration that the plaintiff-Lasum Bai was the true owner and had exclusive title over the suit schedule properties mentioned in the plaint and also granted her permanent injunction against defendant Nos. 1 and 2 i.e., defendant-Muthaiah and his sister, Rajamma.

4.13. Being aggrieved, the defendant-Muthaiah, along with his sister, Rajamma preferred an appeal being Appeal Suit No. 178 of 1995 in the High Court of Judicature of Andhra Pradesh at

5 Hereinafter, referred to as "trial Court".

Hyderabad[6]. The High Court, *vide* judgment dated 23rd January, 2014 allowed the appeal in part and set aside the trial Court's judgment and decree dated 15th November, 1994 holding that the defendant-Muthaiahwas entitled to 3/4th share and the plaintiff-Lasum Baiwas entitled to only 1/4th share in the suit schedule properties upon death of M. Rajanna and Rajamma and restricted the plaintiff-Lasum Bai's entitlement only to that extent. *Vide* the impugned judgment, the High Court determined the rights of the parties in the following terms:-

> "**31)** In the result, the appeal is allowed in part to the extent, while setting aside the trial Court's decree and judgment in granting declaration of title and injunction for entire plaint schedule properties of the present suit in favour of the plaintiff (appeal-1st respondent Lasumbai); however, by holding that as those are part of the joint family properties of 1st defendant who got 3/4th share and the plaintiff got 1/4th share from death of Rajanna and from death of Rajamma respectively, the plaintiff's entitlement is only to that extent so to declare her title with no relief of injunction since undivided, thus by granting preliminary decree for partition for said shares of plaintiff and 1st defendant respectively, so as to enable them to apply for final decree for division of the entire properties in which the plaint schedule are part and in so dividing plaintiff's 1/4th share to consider to the extent possible in the plaint schedule respective items by equity for allotment in S.No.28/1 of Dasnapur village Southern side 1/4th out of the total extent of Ac.12-31 guntas, firstly upon the vendee for Ac.2-00 therein and for any other extent to claim by the 3rd defendant subject to enforcement of the so called contract for sale between plaintiff and said 3rd defendant; so also subject to proof of alienations in other extents to claim such equities by such vendees out of the 1/4th share of the plaintiff while dividing so to allot. There is no order as to costs in the appeal."

6 Hereinafter, referred to as "High Court".

4.14. The said judgment of the High Court has been challenged by plaintiff-Lasum Bai (appellant No. 1) and appellants Nos. 2-6 being the legal representatives of the purchaser i.e., Janardhan Reddy before this Court by way of Civil Appeal No. 5921 of 2015. However, plaintiff-Lasum Bai (appellant No. 1) died on 17th January, 2015 without any legal representatives. Upon her death, appellants Nos. 2-6 being the legal representatives of Janardhan Reddy preferred an application under Order XXII Rule 10 of Code of Civil Procedure, 1908, seeking permission to represent the estate of plaintiff-Lasum Bai to the extent of 4 acres and 16 guntas i.e., the portion of plot located in Survey No. 28 of the Dasnapur Village which was purportedly sold by plaintiff-Lasum Bai to Janardhan Reddy vide registered sale deed dated 22nd November, 1994.

4.15. Civil Appeal No. 5922 of 2015 came to be filed by the legal representatives of defendant-Muthaiah who have challenged the direction of the High Court granting 1/4th share of the suit scheduled property to plaintiff-Lasum Bai.

Submissions on behalf of the appellants: -

5. Mr. Gaurav Agarwal, learned senior counsel appearing for the appellants being the legal representatives of Janardhan Reddyand representing the estate of plaintiff-Lasum Bai, vehemently and fervently contended that even going by the genealogy of the parties and assuming that the Will (Ext.-A1) was not in existence, the plaintiff-Lasum Bai would get 1/3rd share of the properties owned by M. Rajanna which would be much more than the area of the disputed property.

5.1. He further urged that the registered Will (Ext.-A1) has been proved by leading unimpeachable evidence. The defendant-Muthaiah admitted the signatures of M. Rajanna on the Will and thus, undeniably the plaintiff-Lasum Bai inherited the suit schedule property under the said Will and the sale made by her to appellant Nos. 2 to 6 being the legal representatives of Janardhan Reddy is valid and cannot be called into question.

5.2. He further submitted that as per the evidence of the plaintiff-Lasum Bai and the admissions appearing in the statement of

the defendant-Muthaiah referred to *supra*, existence of the registered Will and oral family settlement is well established.

5.3. The plaintiff sold 2 acres out of her share of 6 acres and 16 guntas land in the village Dasnapur to Sanjeeva Reddy by a registered sale deed dated 27th August, 1987. The said sale deed though very much in knowledge of the defendant-Muthaiah, was never challenged before any forum. Hence, apparently, defendant-Muthaiah has acquiesced to the right of plaintiff-Lasum Bai over the suit schedule properties. He urged that the High Court clearly fell in error in interfering with the well-reasoned judgment of the trial Court.

5.4. Learned senior counsel further submitted that the defendant-Muthaiah had earlier filed suit for injunction (Original Suit No. 101 of 1987) against plaintiff-Lasum Bai wherein he specifically referred to the sale deed executed in favour of Sanjeeva Reddy by plaintiff-Lasum Bai and consciously chose not to assail the said sale deed. Thus, the defendant-Muthaiah is estopped by law from questioning the right of plaintiff-Lasum Bai to sell the disputed property.

On these grounds, learned senior counsel implored the Court to set aside the impugned judgment; restore the judgment of the trial Court and allow Civil Appeal No. 5921 of 2015.

Submissions on behalf of the respondents: -

6. *E-converso*, learned counsel appearing for the respondents vehemently and fervently opposed the submissions advanced by learned senior counsel for the appellants. He urged that the unpartitioned land was owned by Ramanna who expired before 1949. Thus, all properties owned by Ramanna upon his death devolved in equal shares upon M. Rajanna and defendant-Muthaiah being the two male co-parceners. He submitted that the registered Will which was executed by M. Rajanna in favour of plaintiff-Lasum Bai, defendant-Muthaiah and Rajamma has no sanctity in the eyes of law because the said Will was executed by M. Rajanna in the capacity of the owner of the entire land in question whereas the fact remains that the land was not the self-acquired property of the testator i.e., M. Rajanna. Thus, as per learned counsel, the plaintiff-Lasum Bai did not gain any legal right whatsoever over the property under the registered Will.

6.1. He further submitted that the High Court rightly held that the family settlement could not be acted upon because the said settlement granted title over the property in question to the parties and being unregistered, it could not be admitted in evidence for any purpose whatsoever.

6.2. Learned counsel further submitted that the suit (Original Suit No. 101 of 1987) filed by the defendant-Muthaiah was decreed and plaintiff-Lasum Bai was perpetually injuncted from selling the land in question. The said judgment was never challenged and has attained finality. Hence, the sale deed in respect of the disputed property executed by plaintiff-Lasum Bai in favour of Janardan Reddy has no sanctity in the eyes of law.

6.3. He urged that the judgment rendered by the High Court is based on sound reasoning. The High Court has adverted to the prevailing facts in detail and reached to an unimpeachable conclusion that the plaintiff-Lasum Bai did not gain any right whatsoever under the disputed Will or the so-called oral family settlement. Despite the aforesaid findings, the High Court erred in granting 1/4th share to plaintiff-Lasum Bai in the joint family properties which is *ex facie* sustainable in facts and law.

He, thus, implored the Court to dismiss the appeal jointly filed by plaintiff-Lasum Bai and the legal representatives of Janardhan Reddy and allow the appeal filed by defendant-Muthaiah thereby setting aside the judgment of the High Court to the extent that it granted 1/4th share to plaintiff-Lasum Bai in the joint family properties.

Discussion and Conclusion: -

7. We have heard learned counsel for the parties and with their assistance perused the impugned judgment and the material available on record.

8. At the outset, we may note that it is an admitted position as emerging from the record that after the death of M. Ramanna, the revenue entries (*Khasra Pahunis*) of the land in question were entered in the name of M. Rajanna. This Court has been apprised that as per the prevailing revenue laws in the State of Andhra Pradesh, these entries provide evidence of ownership over the land. The subject suit was filed by plaintiff-Lasum Bai specifically basing her claim

onthe registered Will (Ext.-A1) dated 24th July, 1974 and the oral family settlement.

9. The Will is a registered document. The defendant-Muthaiah in his evidence, admitted the signatures as appearing on the said Will (Ext.-A1) to be that of his father, i.e., M. Rajanna. The Will distributed the properties in defined proportions between the plaintiff-Lasum Bai, defendant-Muthaiah and Rajamma (widowed daughter of M. Rajanna). There is ample material on record to establish that M. Rajanna anticipated that the relations between plaintiff-Lasum Bai and defendant-Muthaiah were not congenial and that is why, in order to avoid future conflicts, he divided his properties by way of a family settlement and bequeathed a share thereof to plaintiff-Lasum Bai, while leaving the major share to his son i.e., the defendant-Muthaiah. The distribution of the properties, as per the family settlement (regarding which oral evidence was led), and the registered Will is almost in the same proportions. The Will,is a registered document and thus there is a presumption regarding genuineness thereof. The trial Court accepted the execution of the Will based on the evidence led before it. As the Will is a registered document, the burden would lie on the party who disputed its existence thereof,who would be defendant-Muthaiah in this case, to establish that it was not executed in the manner as alleged or that there were suspicious circumstances which made the same doubtful. However, the defendant-Muthaiah in his evidence, admitted the signatures as appearing on the registered Will to be those of his father, M. Rajanna. He also admitted the fact that the plaintiff-Lasum Bai was in possession of 6 acres and 16 guntas of land, which fell into her share as per the Will. In this background, the trial Court was right in holding that M. Rajanna made a fair distribution of his tangible assets amongst his legal heirs by executing the Will dated 24th July, 1974 and so also the oral family settlement. We are of the view that the evidence available on record fortifies the existence and persuasive nature of the oral family settlement which is countenanced by the factum of the possession of the suit schedule properties including the disputed property, which was admittedly with the plaintiff-Lasum Bai and subsequently the purchaser i.e., Janardhan Reddy.

10. The genuineness of the Will is also beyond doubt because it not only confers the right and title over a part of the land owned by the Testator, M. Rajanna to the plaintiff-Lasum Bai, but it also grants a

lion's share of the property to the defendant-Muthaiah. Had it been the intention of M. Rajanna to deprive the defendant-Muthaiah of the land or if the Will had been manipulated, then the defendant-Muthaiah could have been left out completely from gaining any benefits under the Will.

11. In wake of the discussion made hereinabove, we are of the firm view that the trial Court was fully justified in decreeing the suit for declaration and permanent injunction filed by the plaintiff-Lasum Bai and granting her absolute rights over the suit schedule properties including the disputed property admeasuring 4 acres and 16 guntas which was sold to Janardhan Reddy *vide* registered sale deed dated 22nd November, 1994. The view taken by the trial Court being based on *apropos* appreciation of the evidence and the prevailing legal principles is unassailable in facts as well as in law.

12. The High Court, manifestly erred while interfering with the well-reasoned judgment of the trial Court and substituting its own findings by reducing the share of plaintiff-Lasum Bai in the suit schedule properties. Resultantly, the impugned judgment dated 23rd January, 2014,rendered by the High Court does not stand to scrutiny and the same is hereby reversed and set aside. The judgment and decree dated 15th November, 1994 rendered by the trial Court is, consequently, restored.

13. Accordingly, Civil Appeal No. 5921 of 2015 is allowed and the Civil Appeal No. 5922 of 2015 is dismissed. No order as to costs.

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

Result of the case: C.A. No. 5921 of 2015 is allowed and C.A. No. 5922 of 2015 is dismissed.

†*Headnotes prepared by:* Ankit Gyan