

Supreme Court Restates the Law on Suspicious Circumstances in Wills and the Limits of Second Appellate Interference

Sardari Lal v. Bishan Dass & Ors. | 2026 INSC 669 | Supreme Court of India | Decided 6 July 2026

Summary

By judgment dated 6 July 2026, the Supreme Court allowed an appeal arising out of a suit for declaration of title and possession, and restored the concurrent findings of the trial court and the first appellate court discarding a registered Will on the ground that its execution remained shrouded in suspicious circumstances which the propounder failed to explain. In doing so, the Court set aside the judgment of the High Court of Himachal Pradesh, holding that it had exceeded its jurisdiction under Section 100 of the Code of Civil Procedure, 1908 in interfering with well-reasoned findings of fact.

Background

The plaintiff's predecessor-in-interest, the widow of one Chhajju Ram, had instituted a suit claiming to be the sole surviving Class I heir of her deceased husband, who had died intestate. The defendants resisted the suit on the basis of a registered Will dated 6 November 1974, under which the entire estate had been bequeathed in their favour. The trial court and the first appellate court concurrently held that the Will was surrounded by suspicious circumstances that had not been satisfactorily explained by the defendants, and accordingly decreed the suit in the plaintiff's favour. The High Court, in second appeal, reversed these concurrent findings, holding that due execution of the Will stood proved by the testimony of the attesting witness, and that the circumstances relied upon by the courts below did not warrant discarding a registered document. The plaintiff's legal representative thereafter approached the Supreme Court.

Finding of the Court

- 1. Alternative pleadings do not amount to admission.** The Court held that a plea challenging a Will on grounds of fraud or undue influence, raised in the alternative to a plea denying its execution altogether, does not constitute an unequivocal admission of execution. A plaintiff is entitled to rely on inconsistent alternative pleas.
- 2. Non-examination of the plaintiff is not fatal.** Where the plaintiff's foundational facts of relationship and succession stand unchallenged in the written statement, they are deemed admitted under Order VIII Rule 5 of the Code, and the burden to prove due execution of a propounded Will continues to rest on its propounder, irrespective of whether the plaintiff has led evidence of her own.

3. **Proof of a Will extends beyond Section 63 of the Succession Act.** Formal proof of signature and attestation is only the first step. Where suspicious circumstances exist, the propounder must additionally satisfy the judicial conscience of the court that the testator signed the Will of his own free will and with full understanding of its contents and effect.
4. **Unnatural disinheritance invites closer scrutiny.** Disinheriting a caring spouse in favour of persons who are not close relatives, without a credible explanation, was held to be a suspicious circumstance requiring the propounder's explanation — particularly where the reasons stated in the Will itself were found, on evidence, to be inaccurate.
5. **Registration does not cure unexplained irregularities.** Uninitialed alterations on the reverse of the Will, where the registering officer's endorsement appeared to have originally named a different presenter, were held to deprive the propounder of the benefit of the presumption ordinarily attaching to a registered document.
6. **Limited scope of interference under Section 100 CPC.** Whether a Will is surrounded by suspicious circumstances, and whether those circumstances stand satisfactorily explained, is essentially a question of fact. A second appellate court may interfere only where the findings are perverse, based on imaginary suspicions, or vitiated by an erroneous placement of the burden of proof — none of which was found to be the case here.

Implications

This judgment is a significant reaffirmation of settled testamentary law, and offers useful guidance for clients engaged in succession disputes and estate planning alike. For litigants contesting a Will, it confirms that unnatural dispositions, inaccurate recitals, and unexplained irregularities in registration can each independently ground a finding that a Will has not been validly proved. For those propounding a Will, it is a reminder that the burden does not end with proving attestation: any departure from natural succession ought to be transparently and accurately explained in the document itself, and the circumstances of its execution and registration should be capable of being clearly accounted for if challenged. The judgment will also be of interest to counsel handling second appeals, given its clear delineation of the limited grounds on which concurrent findings of fact on testamentary matters may be disturbed under Section 100 of the Code of Civil Procedure, 1908.

***Disclaimer:** This update has been prepared for general informational purposes only and does not constitute legal advice. We would be pleased to discuss the implications of this judgment as they may pertain to any specific matter.*