

Evidence Act, Section 101 – Will – Defendants are staking their claim on the basis of a registered Will left by deceased has to prove their Will first and then only plaintiffs can be asked to discharge their burden – Suit seeking relief of declaration of title to property- Defendants claimed title on the basis of registered Will – Per Hindu law of succession, issues asserted by the plaintiffs will come into play and inter se rights will be decided only when it is established that deceased died intestate – If he had left a Will, then their rights and liabilities are subject to the proof of that Will – Order directing defendants to lead their evidence first, upheld.

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