

[P&H] Evidence Act, 1872 (1 of 1872) Section 68, 69 - Will - Casts an obligation on the propounder to fulfill two requirements - Firstly, the identification of the signatures of one of the attesting witness, secondly, the signatures of the person executing the document is in his handwriting - In other words, a Will can be said to have been proved in accordance with Section 69 of the 1872 of Act, only when the propounder proves both the things - No evidence has been produced to prove the signatures of the executant - It would be noted here that the executant as well as one witness of the Will have identical names - Finding of the both courts the Will have been proved is erroneous - Matter remanded.

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