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given to the appellant.

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It may be noted that the will was deposited with the Registrar under section 42 of the Registration Act but all formalities as required by sections 43 and 44 were not complied with.

According to section 43 of the Registration Act if the Registrar is satisfied that the will has been presented for stamp it Succession Act 1925-63 agent then he shall transcribe in Register Book No. 5 a super-scription aforesaid and note the exact time and date of presentation and receipt and names of persons identifying the testator or his agent on the said book and the sealed cover. After the death of the testator as required by section 45 on application being made, the Registrar after satisfying himself of the death of the testator, may' open the sealed cover and cause the contents of the will copied in Book No. 3. After completing this procedure the will is delivered to the nominee of the testator or his representative. A will so deposited and delivered may attract credibility but in no case proof of execution as required by sections 68 and 69 is dispensed with. The provisions of sections 43 and 45 were not complied with by the Registrar. Neither any entry was transcribed in Register Book No. 5 not the contents of the will were copied on Book No. 3. In these circumstances the deposit of will with the Registrar was meaningless and no credence can be attached to it. The appellant has failed to prove the will. The appeal is therefore dismissed.

Citation Name: 1991 MLD 145 KARACHI-HIGH-COURT-SINDH
A.A./B-171/K Appeal dismissed.

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Succession Act 1925--63 ,

Succession Act 1925 ----S. 63---Attestation of will---Will was required to be executed by two or more witnesses.-- [Muhammadan Law].

Head Notes

Case Description

Citation Name: 1985 CLC 1385 KARACHI-HIGH-COURT-SINDH

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ISHWARDAS VS DEPUTY SETTLEMENT COMMISSIONER, NLIRPURKHAS

Evidence Act 1872--69 , Succession Act 1925--63 ,

Ss. 68 & 69--Succession Act (XXXIX of 1925), S. 63--Will--Proof of execution--Will purported to be executed in name of petitioner--Execution neither proved by attesting witness nor by handwriting and signature of person executing such document--Will, held, not proved in accordance with law and could not be used as evidence to show that it was executed in name of petitioner. [Will--Evidence].

Head Notes

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given to the appellant.

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- > Circulars

A.A./B-171/K Appeal dismissed.

- > General Orders

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