

(2017) 11 DEL CK 0429

In the Delhi High Court

Case No : TEST.CAS. No. 57 Of 2009, 40 Of 2016

S. Anil Dip Singh Kalsi & Anr

APPELLANT

Vs

State & Ors

RESPONDENT

Date of Decision : 15-11-2017

Acts Referred:

Evidence Act, 1872 — Section 68, 108
Indian Succession Act, 1925 — Section 63

Citation : (2017) 11 DEL CK 0429

Hon'ble Judges : Mukta Gupta, J

Bench : Single Bench

Advocate : Sanjeev Sindhwani, Aman Nandrajog, Arjun Nanda, Sanjay Dua, Mohit Khanna

Final Decision : Disposed Of

Judgement

Mukta Gupta, J

1. Whereabouts of Shri Ajit Singh Kalsi, R/o P-83, South Extension, Part-II were not known since 18th May, 2000 having been last seen on 17th May,

2000. Have not been heard for 7 years by those who would have naturally heard of him if he had been alive, in terms of Section 108 of the Indian

Evidence Act, Sardar Ajit Singh Kalsi would be deemed to be dead on 18th May, 2000.

2. Sardar Ajit Singh Kalsi was survived by five sons namely Gurmeet Singh Kalsi, Ranbir Singh Kalsi, Anil Deep Singh Kalsi, Harpreet Singh Kalsi

and Jasdeep Singh Kalsi, his wife Smt. Kamal Kalsi having pre-deceased him.

3. Jasdeep Singh Kalsi and Harpreet Singh Kalsi filed a Probate Case No.177/2007 claiming share in the property No. P-83, NDSE, Part-II as per the

registered Will dated 21st December, 1987 before the learned District Judge. In

the said probate case objections were filed by Anil Deep Singh Kalsi

who also filed Testamentary Case No.57/2009 before this Court seeking probate of the Will dated 1st July, 1997 which was duly registered on 15th

December, 1997 whereby Anil Deep Singh Kalsi was bequeathed the entire property of P-83, NDSE, Part-II.

4. In the Probate Case learned District Judge only decided the issue of validity of the Will dated 21st December, 1987 (hereinafter referred to as first

Will) and granted a probate certificate in favour of Jasdeep Singh Kalsi and Harpreet Singh Kalsi. It noted that the issue of propounding of the Will

dated 1st July, 1997 (hereinafter referred to as second Will) was pending before the High Court and subjudice, thus the said issue was not decided.

5. Challenging the order dated 10th July, 2014 passed by the learned ADJ Anil Deep Singh Kalsi filed FAO No.34/2014 wherein with the consent of

learned counsels for both the parties the judgment dated 10th July, 2014 and the subsequent correction made on 21st July, 2014 were set aside. The

Probate Case No.177/2007 was transferred to this Court and numbered as Testamentary Case No.40/2016.

6. Learned counsels for the parties also consented that the evidence led in Probate Case No. 177/2007 re-numbered as Testamentary Case

No.40/2016 would be read in both the Testamentary cases and the validity of the two Wills in both the Testamentary Cases be decided together.

7. To propound the first Will, Jasdeep Singh Kalsi examined Vibhu Kapoor an attesting witness of the first Will as PW-1 and himself as PW-2. By

virtue of the first Will Ex.PW-1/A equal shares were granted to the five sons of Ajit Singh Kalsi in the Dehradun property known as â??Kalsi

Villaâ?? Dehradun and the land attached thereto, however the property bearing No.p-83, NDSE was bestowed as under:

â??1) Shri Jasdip Singh Kalsi â?" The ground floor of the said house which is at present self occupied and Barsati at second floor with the

toilet and small kitchen in the stairs (which is at present occupied by Shri Jasdip Singh Kalsi). The second floor Barsati along with small

kitchen in the stairs and toilet will be made available to Ranbir Singh and or Harpreet Singh in case these are required for their temporary

residence. All moveable property, shares, deposits in Bank etc. will go to Shri Jasdip Singh Kalsi and nobody else will have any share or

title to the said property.

2) Shri Harpreet Singh Kalsi â?" The first floor (at present on rent) of the above house No.P-83, N.D.S.E. II will go to my son Shri Harpreet

Singh Kalsi absolutely and he will be entitled to deal with it in any manner he likes.

3) Shri Anil Deep Singh Kalsi â?" The second floor of the above house No.P-83, N.D.S.E.II (except the old room, toilet and small kitchen in

the stair) will go to my son, Shri Anil Dip Singh Kalsi and he will be absolute owner of the same. He has already built the second floor with

his own funds, and has shifted there.

The stair and passage to the ground, first and second floor shall be common property of all my above three sons.

I hereby appoint Shri Jasdip Singh Kalsi my youngest son as the executor of my above will.â??

8. As per the second Will registered on 15th December, 1997 the property at Dehradun i.e. Kalsi Villa along with its adjoining land was bequeathed on

all the five sons with equal shares with absolute power of the disposal over the same, however the property P-83, South Extn. was to devolve on Anil

Deep Singh Kalsi after the demise of the deceased without any claim from any of the other sons with absolute power of disposal over the same and to

enjoy the fruit of the said property. To propound the second Will Anil Deep Singh Kalsi examined himself as RW-1, Radhey Shyam Sharma, Record

Keeper, Office of Sub-Registrar-V as RW-2 and the attesting witness of the Will Shiv Dev Singh as RW-3.

9. Challenging the first Will dated 21st December, 1987 learned counsel for Anil Deep Singh Kalsi contends that the attesting witness to the Will

Vibhu Kapoor (PW-1) is an interested witness and a very close friend of Jasdeep Singh Kalsi. Thus, his testimony cannot be relied upon. The first

Will was not executed by testator of his own free volition for the reason Jasdeep Singh Kalsi was present at the time of execution of the Will and he

influenced the deceased to make the Will in his favour. Even otherwise, if this Court comes to the conclusion that the first Will is a legal and valid Will,

the same stands superseded by the second Will. The genuineness or the validity of the second Will is also evident from the memo of parties in

Testamentary Case No.57/ 2009 as the first Will was executed when Harpreet

Singh Kalsi and Jasdeep Singh Kalsi were not married, however thereafter Jasdeep Singh Kalsi also got married and settled in USA. Thus Anil Deep Singh Kalsi was only residing in Delhi with his parents and looking after their day-to-day meals. Since Gurmeet Singh Kalsi was residing in Kalsi Villa, Claimant Town, Dehradun and Ranbir Singh Kalsi, Harpreet Singh Kalsi and Jasdeep Singh Kalsi in USA, it was natural for the deceased to have executed the second Will bequeathing property P-83, South Extension, Part-II in favour of Anil Deep Singh Kalsi. In respect of the property at Dehradun i.e. Kalsi Villa, Dehradun, U.P., the testator's stand in the two Wills was consistent that it was to bequeath on all the five sons in equal shares. Merely because the attesting witness to the second Will was a stranger would be no ground to discard the genuineness of the said Will. Anil Deep Singh Kalsi did not have in his possession the original Will which appears to have been taken away by Jasdeep Singh Kalsi and others as they filed a criminal case against Anil Deep Singh Kalsi and his wife Anita Kalsi alleging kidnapping of their father after he went missing on the 8th May, 2000. Despite the fact that Anil Deep Singh Kalsi and Anita Kalsi were subjected to lie detector test nothing was revealed and the criminal case had to be closed. It is only later in the year 2007 that Anil Deep Singh Kalsi found copy of the Will dated 1st July, 1997 and filed his objections to the probate petition filed by Jasdeep Singh and Harpreet Singh as also the Testamentary Case No.57/2009. The delay in registration of the second Will though executed and presented on 1st July, 1997 but registered on 15th December, 1997 cannot be attributed to Anil Deep Singh Kalsi as the same is an administrative act beyond his control. Further no onus is shifted on Anil Deep Singh Kalsi to explain the delayed registration of the second Will nor can the validity of the said Will be challenged on the said ground. The second Will dated 1st July, 1997 registered on 15th December, 1997 being the last and valid Will executed by the deceased and duly registered would prevail over the first Will dated 21st December, 1987.

10. Learned counsel for Jasdeep Singh the only contesting respondent in Testamentary Case No.57/2009 challenging the Second Will contends that a bare perusal of the second Will makes it unnatural. The deceased was a well-read person and the second Will nowhere mentions about the execution of the earlier Will which was also duly registered. Further the attesting witness of

the said Will was one Shiv Dev Singh who was not known to the family nor to the deceased except that for three or four years he had been meeting the deceased on Sundays at Gurudwara, Bangla Sahib. The conduct of the attesting witness Shiv Dev Singh is unnatural as after the execution of the Will when it is revealed that it would not be registered at the office of SDM Mehrauli, he accompanied the deceased to INA to get the Will registered.

11. The fact that the deceased was in a sound disposing mind till 18th May, 2000 when he went missing is not disputed in view of the evidence led by

both the parties, as also admitted by Vibhu Kapoor in his cross-examination.

12. In respect of the challenge to the validity and genuineness of the first Will dated 21st December, 1987 Vibhu Kapoor the attesting witness of the

said Will appeared in the witness box as PW-1 and deposed that the first Will was drafted by the deceased and Shri T.C. Gupta, Advocate but not in

his presence and when he reached the office of Sub-Registrar, Asaf Ali Road, the Will was typed and signed by the deceased and the witnesses on

21st December, 1987 and registered on the same day. He along with the deceased, Shri T.C. Gupta, Advocate and Prem Nath Kapoor besides

Jasdeep Singh Kalsi went to the office of the Registrar. In cross - examination he admitted that Prem Nath Kapoor was his father who had also

signed the Will. Though the witness stated that the Will was thumb-marked also however there are no thumb-marks on the first Will. He admitted that

all other brothers of Anil Deep Singh Kalsi were residing outside including Jasdeep Singh Kalsi. Vibhu Kapoor admitted that after Ajit Singh Kalsi

eloped, Jasdeep Singh Kalsi and Harpreet Singh Kalsi lodged a complaint against Anil Deep Singh Kalsi and his wife. This witness was suggested that

Jasdeep Singh Kalsi did not even come to India at the time of death of the mother in January, 2000 which was denied by the witness. Further the

witness proved his signatures, signatures of the testator and Mr. T.C. Gupta, Advocate besides his father Prem Nath Kapoor on the first Will.

13. Mere presence of Jasdeep Singh Kalsi at the time of execution of the Will would not make the first Will invalid being under coercion. A perusal of

the first Will shows that though the place of residence/ office of the four other sons was mentioned i.e. Gurmeet Singh Kalsi working as Aerodrome

Officer, Ranbir Singh Kalsi and Harpreet Singh Kalsi at USA, and Anil Deep Singh

Kalsi, however the residence of Jasdeep Singh Kalsi was not mentioned. The first Will clearly mentions that at the time of execution of the said Will Harpreet Singh Kalsi and Jasdeep Singh Kalsi were not married. It is thus apparent Harpreet Singh Kalsi and Jasdeep Singh Kalsi being the two unmarried sons at the time of execution of first Will, the deceased bequeathed his property i.e. P-83, NDSE, Part-II to the two unmarried sons and Anil Deep Singh Kalsi who was already residing in the said property as noted above.

14. Hence from the evidence on record it can safely be held that the deceased Ajit Singh Kalsi executed the first Will dated 21st December, 1987

Ex.PW-1, however in case this Court comes to the conclusion that the second Will was also validly executed no probate of the first Will can be granted in favour of Jasdeep Singh Kalsi and Harpreet Singh Kalsi.

15. Challenge of learned counsel for Jasdeep Singh Kalsi to the second Will is that it does not mention the first Will which was a duly registered Will

and that it was attested by a stranger who was neither known to the deceased nor to the family. In this regard it would be appropriate to note the

evidence of Shiv Dev Singh (RW-3) wherein he stated that he used to meet the deceased on every Sunday at Gurudwara, Bangla Sahib, New Delhi

since 1995 till 2000.Â In his affidavit he further deposed:

â??2. That some times in the month of June, 1997 Shri Ajit Singh Kalsi told the deponent that he wanted to execute a Will and asked me to

sign the Will as attesting witness. The deponent agreed to the said request of the said Shri Ajit Singh Kalsi.

3. That on 30.06.1997, Shri Ajit Singh Kalsi requested me to accompany him to the office of Sub-Registrar, Mehrauli, Delhi for the

execution and registration of his Will. On 01.07.1997, I along with Shri Ajit Singh Kalsi went to the office of Sub - Registrar, Mehrauli,

Delhi where I introduced Shri Ajit Singh Kalsi with Shri H.M. Nayyar, Advocate to whom Shri Ajit Singh Kalsi asked to make his Will. Shri

H.M. Nayyar noted down the details provided by Shri Ajit Singh Kalsi for the execution and registration of his Will and thereafter Shri H.M.

Nayyar, Advocate got the Will typed from the typist who was sitting next to his seat at the office of Sub-Registrar, Mehrauli, Delhi.

4. That after the Will was typed, the same was read over and explained to Shri

Ajit Singh Kalsi by Shri H.M. Nayyar, Advocate in my

presence. Shri Ajit Singh Kalsi also read over the contents of the said Will. After reading the Will Shri Ajit Singh kalsi signed the said Will at

point A in my presence and in the presence of Shri H.M. Nayyar and thereafter I signed the said Will in their presence and lastly Mr.

H.M. Nayyar signed the said Will in our presence and also affixed his photograph on the said Will.

5. That the deponent is one of the attesting witness to the Will dated 01.07.1997 executed by Ajit Singh Kalsi, S/o Late Shri S.S. Kalsi. (At

this stage the copy of the Will summoned from the office of Sub-Registrar is shown to the deponent). The deponent identify the signature of

Shri Ajit Singh Kalsi at point A on the last page of the said Will. The deponent also identify his signature at point B. The

deponent also identify the signature of Shri H.M. Nayyar, Advocate at point C. The certified copy of the Will is Ex.RW-4/2.

16. Despite repeated questions Shiv Dev Singh (RW-3) clarified that he did not know Anil Deep Singh Kalsi or Anita Kalsi and he came to know

them only when they visited his house and informed that Ajit Singh Kalsi had died. He clarified in cross-examination that the Will was first signed by

the deceased, thereafter by H.M. Nayar, Advocate who affixed his seal also and thereafter he signed the Will. He denied the suggestion that the

deceased was never a visitor to Bangla Sahib, Gurudwara or that he was visiting Gurudwara Masjid Moth only. From the cross-examination of Shiv

Dev Singh nothing has been elicited to challenge the validity of the second Will.

17. Further initially with the petition Anil Deep Singh Kalsi only filed the photocopy of the Will which was available to him, however the certified copy

of the same was also placed on record and Radhey Shyam Sharma, Record Keeper of the Office of Sub-Registrar V, Mehrauli was brought in the

witness box as RW-2. He deposed that the certified copy of the Will which was on the Court record was the copy of the Will brought by him which is

on record of the Registrar. This witness has not been cross -examined on behalf of Jasdeep Singh Kalsi. No question has been put as to why the Will

which was executed and submitted for registration on the 1st July, 1997 was registered on 15th December, 1997 vide registration No. 8914, Book No.

II, Volume No. 752 on page 131 to 133 dated 15th December, 1997. The

witness having not been cross-examined, his testimony having gone unchallenged, learned counsel for Jasdeep Singh Kalsi cannot now place onus on Anil Deep Singh for the delayed registration of the Will. Be that as it may it is settled law that the registration dates back to the date of execution.

18. Supreme Court in the decision reported as (2006) 13 SCC 449 B. Venkatamuni Vs. C.J. Ayodhya Ram Singh & Ors. noting earlier decisions

succinctly laid down the standards to ascertain validity of the Will as under:

â??15. It is, however, well settled that compliance with statutory requirements itself is not sufficient as would appear from the discussions

hereinafter made.

16. The approach of the Division Bench of the High Court did not address itself the right question. It took an erroneous approach to the

issue as would appear from the decision of this Court in Surendra Pal v. Dr. Saraswati Arora [(1974) 2 SCC 600] whereupon again Mr V.

Balachandran himself placed reliance, wherein the law was stated in the following terms: (SCC p. 605, para 7)

â??7. The propounder has to show that the will was signed by the testator; that he was at the relevant time in a sound disposing state of

mind, that he understood the nature and effect of the dispositions, that he put his signature to the testament of his own free will and that he

has signed it in the presence of the two witnesses who attested it in his presence and in the presence of each other. Once these elements are

established, the onus which rests on the propounder is discharged. But there may be cases in which the execution of the will itself is

surrounded by suspicious circumstances, such as, where the signature is doubtful, the testator is of feeble mind or is overawed by powerful

minds interested in getting his property, or where in the light of the relevant circumstances the dispositions appear to be unnatural,

improbable and unfair, or where there are other reasons for doubting that the dispositions of the will are not the result of the testator's free

will and mind. In all such cases where there may be legitimate suspicious circumstances those must be reviewed and satisfactorily explained

before the will is accepted. Again in cases where the propounder has himself taken a prominent part in the execution of the will which

confers on him substantial benefit that is itself one of the suspicious

circumstances which he must remove by clear and satisfactory evidence.

After all, ultimately it is the conscience of the court that has to be satisfied, as such the nature and quality of proof must be commensurate

with the need to satisfy that conscience and remove any suspicion which a reasonable man may, in the relevant circumstances of the case,

entertain.â??

17. In *H. Venkatachala Iyengar v. B.N. Thimmajamma* [1959 Supp (1) SCR 426 : AIR 1959 SC 443] it was opined:(SCR pp. 443-45)

â??However, there is one important feature which distinguishes wills from other documents. Unlike other documents the will speaks from

the death of the testator, and so, when it is propounded or produced before a court, the testator who has already departed the world cannot

say whether it is his will or not; and this aspect naturally introduces an element of solemnity in the decision of the question as to whether the

document propounded is proved to be the last will and testament of the departed testator. Even so, in dealing with the proof of wills the

court will start on the same enquiry as in the case of the proof of documents. The propounder would be called upon to show by satisfactory

evidence that the will was signed by the testator, that the testator at the relevant time was in a sound and disposing state of mind, that he

understood the nature and effect of the dispositions and put his signature to the document of his own free will. Ordinarily when the

evidence adduced in support of the will is disinterested, satisfactory and sufficient to prove the sound and disposing state of the testator's

mind and his signature as required by law, courts would be justified in making a finding in favour of the propounder. In other words, the

onus on the propounder can be taken to be discharged on proof of the essential facts just indicated.

There may, however, be cases in which the execution of the will may be surrounded by suspicious circumstances. The alleged signature of

the testator may be very shaky and doubtful and evidence in support of the propounder's case that the signature in question is the signature

of the testator may not remove the doubt created by the appearance of the signature; the condition of the testator's mind may appear to be

very feeble and debilitated; and evidence adduced may not succeed in removing

the legitimate doubt as to the mental capacity of the testator; the dispositions made in the will may appear to be unnatural, improbable or unfair in the light of relevant circumstances; or, the will may otherwise indicate that the said dispositions may not be the result of the testator's free will and mind. In such cases the court would naturally expect that all legitimate suspicions should be completely removed before the document is accepted as the last will of the testator. The presence of such suspicious circumstances naturally tends to make the initial onus very heavy; and, unless it is satisfactorily discharged, courts would be reluctant to treat the document as the last will of the testator. It is true that, if a caveat is filed alleging the exercise of undue influence, fraud or coercion in respect of the execution of the will propounded, such pleas may have to be proved by the caveators; but, even without such pleas circumstances may raise a doubt as to whether the testator was acting of his own free will in executing the will, and in such circumstances, it would be a part of the initial onus to remove any such legitimate doubts in the matter.â??

18. In *Guro v. Atma Singh* [(1992) 2 SCC 507 : (1992) 2 SCR 30] this Court has opined: (SCC p. 511, para 3)

â??3. With regard to proof of a will the law is well settled that the mode of proving a will does not ordinarily differ from that of proving any other document except as to the special requirement prescribed in the case of a will by Section 63 of the Succession Act, 1925. The onus of proving the will is on the propounder and in the absence of suspicious circumstances surrounding the execution of the will, proof of testamentary capacity and signature of the testator as required by law is sufficient to discharge the onus. Where, however there were suspicious circumstances, the onus would be on the propounder to explain them to the satisfaction of the court before the will could be accepted as genuine. Such suspicious circumstances may be a shaky signature, a feeble mind and unfair and unjust disposal of property or the propounder himself taking a leading part in the making of the will under which he receives a substantial benefit. The presence of suspicious circumstances makes the initial onus heavier and the propounder must remove all legitimate suspicion before the document can

be accepted as the last will of the testator.â??

19. [Ed.: Para 19 corrected vide Official Corrigendum No. F.3/Ed.B.J./84/2007 dated 30-11-2007.]. Yet again Section 68 of the Evidence

Act postulates the mode and manner of proof of execution of document which is required by law to be attested stating that the execution

must be proved by at least one attesting witness, if an attesting witness is alive and subject to the process of the court and capable of giving evidence.

20. This Court in Daulat Ram v. Sodha [(2005) 1 SCC 40] stated the law thus: (SCC p. 43, para 10)

â??10. Will being a document has to be proved by primary evidence except where the court permits a document to be proved by leading

secondary evidence. Since it is required to be attested, as provided in Section 68 of the Evidence Act, 1872, it cannot be used as evidence

until one of the attesting witnesses at least has been called for the purpose of proving its execution, if there be an attesting witness alive,

and subject to the process of the court and capable of giving evidence. In addition, it has to satisfy the requirements of Section 63 of the

Succession Act, 1925. In order to assess as to whether the will has been validly executed and is a genuine document, the propounder has to

show that the will was signed by the testator and that he had put his signatures to the testament of his own free will; that he was at the

relevant time in a sound disposing state of mind and understood the nature and effect of the dispositions and that the testator had signed it

in the presence of two witnesses who attested it in his presence and in the presence of each other. Once these elements are established, the

onus which rests on the propounder is discharged. But where there are suspicious circumstances, the onus is on the propounder to remove

the suspicion by leading appropriate evidence. The burden to prove that the will was forged or that it was obtained under undue influence

or coercion or by playing a fraud is on the person who alleges it to be so.â??

(emphasis supplied)

21. Yet again in Meenakshiammal v. Chandrasekaran [(2005) 1 SCC 280] it was stated: (SCC p. 287, para 19)

â??19. In Chinmoyee Saha v. Debendra Lal Saha [AIR 1985 Cal 349] it has been

held that if the propounder takes a prominent part in the execution of the will, which confers a substantial benefit on him, the propounder is required to remove the doubts by clear and satisfactory evidence. Once the propounder proves that the will was signed by the testator, that he was at the relevant time in a sound disposing state of mind, that he understood the nature and effect of the disposition and put his signature out of his own free will, and that he signed it in presence of the witnesses who attested it in his presence, the onus, which rests on the propounder, is discharged and when allegation of undue influence, fraud or coercion is made by the caveator, the onus is on the caveator to prove the same.â??

(See also *Sridevi v. Jayaraja Shetty* [(2005) 2 SCC 784])

22. The principle was reiterated in *Pentakota Satyanarayana v. Pentakota Seetharatnam* [(2005) 8 SCC 67] wherein it was stated: (SCC pp.

81-82, para 24)

â??24. In the instant case, the propounders were called upon to show by satisfactory evidence that the will was signed by the testator, that

the testator at the relevant time was in a sound and disposing state of mind, that he understood the nature and effect of the dispositions and

put his signature to the document of his own free will. In other words, the onus on the propounder can be taken to be discharged on proof

of the essential facts indicated above.â??

However, having regard to the fact that the will was a registered one and the propounder had discharged the onus, it was held that in such

circumstances, the onus shifts to the contestant opposing the will to bring material on record meeting such prima facie case in which event

the onus shifts back on the propounder to satisfy the court affirmatively that the testator did not (sic) know well the contents of the will and

in sound disposing capacity executed the same.

23. Each case, however, must be determined in the fact situation obtaining therein.â??

19. Applying the law laid down in the decisions noted above it can be safely held that the deceased was in sound disposing mind at the time of

execution of both the Wills, the propounders of the two Wills have satisfactorily proved that the two Wills were got drafted and typed by the deceased

testator, who signed the same in the presence of the attesting witnesses who also signed the Wills in the presence of the testator. Both the Wills were thus validly executed and registered. The delay in registration of the second Will cannot be a ground to hold the second Will as invalid as there is ample proof on record, both oral and documentary to show that the second Will was executed and presented for registration on 1st July, 1997. Thus, both the Wills i.e. Ex.PW-1/A and Ex.RW-3/1 are validly executed Wills of the deceased testator, however the Will dated 1st July, 1997 Ex.RW-3/1 being the last and valid Will of the deceased the probate of the Will dated 1st July, 1997 registered on 15th December, 1997 Ex.RW-3/1 is granted in favour of the joint executors Anil Deep Singh kalsi and Jasdeep Singh Kalsi as per the Will.

20. Petitions are disposed of.

21. Matter be listed before the Registrar General for calling upon the valuation report and payment of requisite court fees on 27th November, 2017.