

PC 23/23
PRATIK SAXENA @ PRATEEK SAXENA
Vs.
STATE

30.07.2026

Present : Mr. Harvinder Singh, Mr. Yashpal Singh and Mr. Dipanshu Singh Tomar, Ld. counsel for petitioner.
Mr. Neeraj Bhandari, Ld. counsel for respondent no.3.

Reply to the application u/O XII Rule 8 CPC filed on behalf of the respondent no.3. The same is taken on record. Copy supplied.

a) Arguments heard on the application u/O XII Rule 8 CPC filed by the petitioner.

b) It is argued on behalf of the petitioner that in the written statement, respondent No. 3 has stated that he had executed certain sale documents in favour of his wife in respect of the second floor of property bearing No. 59, Gali No. 4, Anarkali Garden, Jagatpuri, Delhi-110051. It is further stated therein that thereafter his wife sold the said second floor by way of a sale deed dated 26.04.2023 in favour of Sh. Neeraj Bhandari and Sh. Inder Pal, who subsequently transferred the said second floor to Smt. Manju. It is submitted that the aforesaid chain of title documents is necessary for the just adjudication of the present petition and, therefore, respondent No. 3 be directed to produce the said documents.

c) In reply, respondent No. 3 has stated that he has already sold the second floor of the aforesaid property and is no longer in possession of any documents pertaining thereto. Hence, according to him, no direction for production of such documents can be issued.

d) The present petition has been filed seeking grant of probate of the Will dated 10.10.2015 stated to be executed by Lt. Sh. Suresh Babu Saxena, the grandfather of the petitioner. According to the petitioner, under the said Will, Lt. Sh. Suresh Babu Saxena bequeathed the ground floor of property bearing No. 59, Gali No. 4, Anarkali Garden, Jagatpuri, Delhi-110051 in favour of the petitioner, to take effect after the demise of Smt. Uma Saxena.

e) Respondent No. 3 has contested the petition by stating that the Will dated 10.10.2015 is forged and fabricated. It is his case that Lt. Sh. Suresh Babu Saxena had executed an earlier Will dated 26.02.2014 and that no portion of the aforesaid property was ever bequeathed in favour of the petitioner.

f) Thus, from the pleadings of the parties, it is evident that the real controversy requiring adjudication is the genuineness, validity and due execution of the Will dated 10.10.2015. It is also an admitted position that the petitioner is not claiming any right, title or interest by virtue of said Will or otherwise in the second floor of the aforesaid property. The documents sought to be produced relate to subsequent transactions concerning the second floor of the property, which is not the subject matter of the present probate proceedings.

g) It is well settled that a probate court is primarily concerned with the question as to whether the propounded Will is

genuine, validly executed and duly proved in accordance with law. Consequently, the documents sought to be produced do not have any bearing on the real issue involved in the present proceedings and are not necessary for the just adjudication of the petition.

h) Accordingly, the present application is dismissed and disposed of accordingly.

Pleadings stated to be completed and following issues are hereby framed:-

- i) **Whether the petitioner is entitled for Will annexed Letters of Administration in respect of Will dated 10.10.2015? OPP**
- ii) **Whether the Will dated 10.10.2015 is a forged and fabricated Will? OPR3**
- iii) **Relief.**

No other issue arises or pressed for.

Put up for PE on **17.11.2026**. Let list of witnesses be filed by both the parties within stipulated period. Affidavits of evidence of petitioner's witnesses be filed within four weeks from today with advance copy to opposite party.

(Hem Singh)
District Judge-01
(East)/KKD/Delhi/30.07.2026