

13.11.2025

Present: Plaintiff in person.
 Ld. counsel for defendant.

1. Defendant has moved an application u/O VII Rule 11 CPC. Copy supplied.
2. It is pointed out by the counsel for defendant that plaintiff has *inter alia* sued for possession of 25 square yards of land forming part of total 67 square yards of land. It is claimed that it is premised on a Will dated 11.08.1999. Counsel submits that even if the entire Will is presumed, for the sake of argument, to be correct, still, which portion of 25 square yards is purportedly bequeathed by the testator/Lakhmi Chand is not demarcated or borne out from the said Will. Thus, a question arises as to how plaintiff can specifically claim 25 square yards as per the site plan (area shown in red).
3. It is further pointed out by the counsel that plaintiff has concealed the fact that the property of which 25 square yards is sought was joint property of Lakhmi Chand and Om Prakash and there was no partition between them. They themselves sold the entire property including the 25 square yards claimed today. Plaintiff is stated to have also concealed the factum of withdrawal of a probate case bearing no. 4/19 filed qua the said Will on 01.07.2025.
4. Considering the contention noted in para 2 above, plaintiff is called upon to clarify as to how, in the present form, the suit of the plaintiff is maintainable.

5. In the meantime, let defendant file written statement as per law with copy to other side.
6. To come up for arguments on maintainability of the suit along with application u/O VII Rule 11 CPC on 22.01.2026.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
13.11.2025