

PC No. 30/17

Krishan Kumar Bansal vs. State & ors.

24.04.2018

(11:05am to 11:40am)

**Present : Sh. Ram Kumar Sharma, Ld. Counsel for the petitioner
alongwith petitioner.**

**Sh. Vijay Kumar Malhotra, Ld. Counsel for the respondent
no.2.**

Sh. Manu Bansal, Ld. Counsel for the respondent no.3.

Sh. Anurag Vashistha, Ld. Counsel for respondent no.4.

Sh. R.D. Vats, Ld. Counsel for respondent no.4A and 4B.

At the outset, no objection statements of respondent no.4, 4A and 4B recorded.

In this matter, though from the pleadings, there is only one objector i.e. respondent no.3, the matter also taken up for pre trial conference qua said respondent no.3 to see likelihood of some settlement, which however, at this stage, seems remote.

The said respondent no.3 contends strongly that, the property, subject matter of the Will, had already been sold off to him by his late father much before the execution of the alleged Will itself.

Let the proceedings continue on merits.

In view of the kind of objection and after examining the no objection and also after perusal of the Will, it appears that, respondents no.2 to 4 are also beneficiaries of the alleged Will in equal proportion and similarly placed as the petitioner.

In view of the objection taken regarding the subject matter of the Will, as being non existent on the date of the alleged execution of the Will and the maintainability of the petition itself, being questionable, Ld. Counsel for the respondents, at this stage, have requested for an opportunity to file their own reply to the objections, as well, since, they have learnt from the proceedings what has transpired today and not before.

They further submitted that, they have not received the copy of the said objections. Let copy of the objections of respondent no.3 alongwith paperbook be supplied to the said respondents within 03 working days on acknowledgement. Subject to which, reply, if any, may be filed not later than 15 days with advance copy to the opposite counsel on acknowledgement.

In the meantime, death certificate of the pre deceased son namely Sh. Arun Kumar Bansal of Sh. Nand Kishore Bansal (testator) also stands filed. Taken on record.

During the proceedings, which took place today, it has also transpired that, Ms. Renu Bansal respondent no.4, has stated that, the original Will was in her possession and further elaborating that, earlier her Father-in-law has given it to her husband Sh. Arun Kumar Bansal and after the death of Sh. Arun Kumar Bansal, she had found the original Will, during the shifting of the house. Same continues to be in her possession.

At the same time, since it comes to my notice that, though the court had even asked for the original Will right in the beginning of the proceedings in this case, but Ld. Counsel for the petitioner in the proceedings dated 26.07.2017 had stated in so many words that, the original Will is not in possession of the petitioner, but in the possession of respondent no.2 herein i.e. Sh. Raj Kishore

Bansal.

However, at the end of the day, respondent no.4 Ms. Renu Bansal has been again been enquired about the possession of the original Will, and she has asserted that, the original Will is very much in her possession.

Respondent no.4 Ms. Renu Bansal is directed to hand over the original alleged Will to the petitioner to be filed in court on the next date, as the probate petition cannot go on even without the original Will.

List for completion of pleadings and framing of issues on 14.05.2018.

In the meantime, court has even discussed the issues to be framed, however, Ld. Counsel for the respondent no.2 is exempted from personal appearance for the next date, on personal grounds, though he is at liberty to convey about any proposed issues through Ld. Associate counsel.

Date is given as per the convenience and diary of Ld. Counsel of each side.

(Sujata Kohli)
Addl. District Judge (Central)
Pilot Court
24.04.2018

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