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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 62/2022 & I.A. 1802/2022

PREYRNA SABHARWAL & ANR. ....Plaintiffs

Through: Mr. Fanish Kumar Jain, Mr. Ritik  
Duggal and Mr. Shri Harsh,  
Advocates

versus

VARINDER KUMAR SABHARWAL & ANR. ....Defendants

Through: Ms. Surbhi Tandon, Advocate for D-2

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

% **16.05.2025**

1. Learned counsel for the Plaintiffs states that the present suit for partition has been filed with respect to the estate of Late Sh. Tilak Raj Sabharwal, who died intestate.

1.1. He states that Defendant No.2 admits the claim of the Plaintiffs. He states that Plaintiffs together, Defendant No.1 and Defendant No.2 are entitled to '1/3<sup>rd</sup>' share each in the suit property.

1.2. He states that there is no impediment in passing the preliminary decree forthwith; however, Defendant No.1 has filed a written statement propounding an alleged Will dated 01.03.1995.

1.3. He states that the original of the said Will has not been shown to the parties nor produced before this Court.

1.4. He states that Plaintiffs and Defendant No.2 do not admit the veracity of the alleged Will dated 01.03.1995.

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1.5. He states that since the matter is ripe for framing of issues the Defendant No.1 is obliged in law to produce the original Will dated 01.03.1995 before the Court or else the Plaintiffs are entitled to passing of a preliminary decree to the extent of 1/3<sup>rd</sup> share.

1.6. He states that there is also a registered relinquishment deed dated 08.08.2007 whereby the daughters of late Sh. Tilak Raj Sabharwal had relinquished their shares in the suit property in favour of Defendant Nos.1 and 2 and the deceased father of the Plaintiffs.

1.7. He states that the said relinquishment deed records that late Sh. Tilak Raj Sabharwal died intestate. He states that in view of the registered document additionally it is evident that the plea raised by Defendant No.1 is incorrect if not false.

2. None appears for Defendant No.1.

3. In the interest of justice, the matter is adjournment to **21.07.2025**.

4. It is directed that in case the original of the alleged Will dated 01.03.1995 is not produced by Defendant No. 1 in this Court on the next date of hearing, the Court will proceed to pass a preliminary decree in terms of the prayer sought in this plaint. Defendant No. 2 shall also produce the relinquishment deed dated 08.08.2007.

**MANMEET PRITAM SINGH ARORA, J**

**MAY 16, 2025/SV**

[Click here to check corrigendum, if any](#)

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