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

+ **CS(OS) 34/2021**

SMT DEVINDER DHILLON & ANR. Plaintiffs
Through Mr.Sudhir Nandrajog, Sr. Adv. with
Mr.Sumeher Bajaj and Mr.Bharat Arora, Advs.
versus
SH MANINDER SINGH DHINDSA & ORS. Defendants
Through Mr. Akhil Sibal, Sr. Adv. with
Mr.Abhinav Hansaria, Adv. for D-1.
Mr.Jatin Mongia and Mr.Dhruv Dhindsa, Adv.
for D-2.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **18.01.2021**

This hearing is conducted through video-conferencing.

IA No. 794/2021(exemption)

The application is allowed subject to all just exceptions.

CS(OS) 34/2021

Let the plaint be registered as a suit.

Issue summons. Learned counsel for defendant No.1 and defendant No. 2 accept summons.

Issue summons to defendants No. 3 to 5 through ordinary process, speed post and email, returnable before the Joint Registrar on 18.03.2021.

IA No. 793/2021(u/S 151 CPC)

Issue notice.

Learned counsel for defendant No.1 and defendant No. 2 accept notice.



Issue notice to defendants No. 3 to 5 through ordinary process, speed post and email, returnable before the Joint Registrar on 18.03.2021.

IA No. 792/2021

1. This application is filed under Order 39 Rules 1 and 2 CPC seeking an ex-parte injunction to restrain defendants No. 1 and 2, etc. from selling, alienating, creating any third party interest or disposing of the suit properties. Injunction is also sought against defendant No. 1, etc. regarding carrying on demolition/reconstructing of the property being C-32, South Extension Part II, New Delhi.
2. Issue notice.
3. Learned counsel for defendant No.1 and defendant No. 2 accept notice.
4. The case of the plaintiffs is that the suit properties were owned by the parents of the parties, namely, Late Sh.Rattan Singh Dhindsa and his wife. The suit properties include (i) C-32, South Extension Part-II, New Delhi; (ii) M-45, M Block, Main Market, Greater Kailash, Part-I, New Delhi and (iii) M-52, Greater Kailash-1, Delhi. On 24.09.1983, Sh.Rattan Singh Dhindsa expired intestate. It is stated that defendant No. 1 had preferred a probate case before Ld. District Judge, Delhi relying upon a Will dated 15.04.1983. The said probate petition was dismissed in default on 08.07.1999. It is stated that now defendant no. 1 has commenced constructions of the properties at C-32, South Extension Part-II, New Delhi after having entered into an agreement with the builder.
5. Learned senior counsel appearing for defendant No. 1 has however relied upon an alleged handwritten Will of Late Sh.Rattan Singh Dhindsa dated 15.04.1983. It is stated that based on this Will, NOCs on affidavits



were given by the plaintiffs and other LR's of Late Sh.Rattan Singh Dhindsa. On the screen, learned senior counsel for defendant No. 1 has shown an alleged affidavit of plaintiff No. 1 where she has accepted the legality and validity of the Will dated 15.04.1983 which had been allegedly executed by Late Sh.Rattan Singh Dhindsa. Based on this affidavit and the Will, the property was mutated in favour of defendant No. 1 in the records of the concerned Municipal Corporation.

6. Let defendant No. 1 file on record copies of the Will date 15.04.1983 and the affidavits allegedly signed by the LR's of Late Sh.Rattan Singh Dhindsa including the plaintiffs today itself. The copies shall be served through email on the learned counsel for the plaintiffs and a copy shall also be sent to the Court Master.

7. Issue notice to defendants No. 3 to 5 through ordinary process, speed post and email.

8. List in court on 25.01.2021.

JAYANT NATH, J

JANUARY 18, 2021

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