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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 62/2021, CRL.M.A. 18048/2021, I.As. 12922/2023 & 25630/2023**

SHRI SANJEEV KUMAR JAIN Plaintiff
Through: Mr. Avinash Trivedi, Mr. Kapil Anand and Mr. Anurag Kaushik, Advs. (M. 9999334547)
versus

SMT ABHA JAIN & ORS. Defendants
Through: Mr. Vishwendra Verma, Ms. Shivali & Ms. Poonam Verma, Advs. for D-1 with D-1 in person.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **31.01.2024**

1. This hearing has been done through hybrid mode.

I.A.25630/2023 (for placing on record Will)

2. This is an application seeking directions for placing on record the Will dated 27th November, 2020. The said request is allowed. Let the original Will be placed on record within two weeks in a sealed cover. The parties are free to move an application for referring the said Will to an expert.

3. Application is disposed of.

I.A.12922/2023 (for placing certain documents)

4. This is an application seeking to place on record the pleadings and documents of **CS(OS) 427/2017** titled **Sh. Sanjeev Kumar Jain v. Sh. Sant Lal Jain & Ors.** So long as the documents and pleadings form part of the



judicial record, the same are permitted to be filed within four weeks. The Plaintiff is permitted to file any rebuttal documents, if so advised.

5. Application is disposed of.

CS(OS) 62/2021 & CRL.M.A.18048/2021 (u/S 340 Cr.P.C.)

6. The statement of Smt. Abha Jain- Defendant No.1 has been recorded today, as per which clearly the first floor of the property was owned by the father-in-law Mr. Sant Lal Jain at the time of his demise. The statement is reproduced herein below:

“Statement of Smt. Abha Jain, W/o Late Shri Rajiv Kumar Jain, aged around 57 years, R/o 1C/6, New Rohtak Road, Karol Bagh, New Delhi.

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I was married on 25th June, 1988 to Mr. Rajiv Jain.

Mr. Sant Lal Jain is my father-in-law and Smt. Satya Devi Jain is my mother-in-law. Both my in-laws have passed away.

After my wedding, I was living in Chandni Chowk with my family and thereafter, in 1996 we moved to Karol Bagh. My address is 1C/6, New Rohtak Road, New Delhi. Earlier it was only one house, which was thereafter reconstructed in 2020-21.

In 2019, my father-in-law had engaged a builder for reconstruction of the said property.

After the redevelopment, it now has four floors i.e. stilt parking, ground, first, second and third floor. However, the completion of work of the built up area on property was in 2021. Even before the demise of my father-in-law, the ground floor and first floor were completed and we were residing on the first floor with my father-in-law.

My father-in-law passed away on 22nd December, 2020.

I have two sons, namely Rachitagam Kumar Jain and Ravinshu Kumar Jain.



Since inception, Mr. Sanjeev Kumar Jain, my brother-in-law (husband's brother) with his family and my family along with our in-laws used to live in the said property together.

The original Will, that I am relying upon, is dated 27th November, 2020. We came to know of the Will during Diwali of 2023. I came to know of the Will from my guruji Shri Dharam Chand Shastri. The said guruji gave us the Will on Diwali.

The Ground floor above the stilt parking has been sold to Mr. Umesh Gupta and Mrs. Anjana Gupta in 2020 for Rs.1.12 crores during the lifetime of my father-in-law. The sale consideration was divided into 3/5th to myself and 2/5th to my father-in-law. My husband passed away on 1st February, 2005. The first floor above Mr. Umesh Gupta's floor is the place where we are residing.

Both my sons are married. My elder son lives abroad and the younger son is married and lives with me in the said property. Remaining above two floors in the building are also with me. There is no tenant in the property.

My father-in-law was owning the first floor on the date of his demise where I am currently residing with my family."

7. The only defense that has been raised, is in respect of the alleged Will dated 27th November, 2020.
8. Let the admission/denial in respect of these documents be concluded. At the time of admission/denial, the original Will, that would be placed by the Defendants, shall be shown to the Plaintiff for the purpose of admission/denial.
9. Let the parties bring proposed issues on the next date of hearing.
10. List before the Joint Registrar on 21st March, 2024.



11. List for framing of issues on 8th July, 2024.

PRATHIBA M. SINGH, J.

JANUARY 31, 2024/dk/bh