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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 185/2021, CRL.M.A. 13405/2023, I.As. 4687/2021, 10604/2021, 14969/2021, 676/2022 & 1769/2022**

MASTER ARMAAN GULATI (MINOR) & ANR..... Plaintiffs

Through: **Mr. R.Y. Kalia, Adv.**

versus

GEETA GULATI, ALIAS SWARAN

KANTA & ORS.

..... Defendants

Through: **Mr. Mohit Bakhshi, Adv. for D-1 to 3 (M. 9820609360)**

Mr L R Goyal & Mr Hrithik Goyal, Adv. for D-5 (M. 9312396267)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 01.02.2024

1. This hearing has been done through hybrid mode.
2. This is a suit filed by the Plaintiff seeking partition, injunction and declaration against the Defendants with respect to the will dated 26th June, 2010 as null and void as also restraining them from creating any third party rights in the property. The present dispute is between the family members of Late Surendra Gulati who was the husband of Defendant No. 1, father of Defendant No. 2, father in law of the Plaintiff No. 2 and grandfather of Plaintiff No. 1.
3. The Plaintiff No.1 in the present case is a minor and Plaintiff No.2 is his mother and wife of Late Mayank Gulati who is the brother of Defendant No.2 and son of Defendant No.1 and Late Surendra Gulati.



4. The background is that Late Shri Surender Gulati had two children *i.e.*, a son Mr. Mayank Gulati, who has since passed away and daughter Mrs. Kompal Gulati and also his wife Smt. Geeta Gulati. The wife and the daughter are living in the United States. The daughter-in-law and the grandson live in D-27, Mansarovar Garden, New Delhi, which was earlier the family home.
5. Today, Mr. Bakhshi, Ld. Counsel for the Defendants, during the course of the arguments submits that the Defendants have no objection if the Plaintiffs are declared as one-third owner of the movable and immovable assets of Late Shri Surender Gulati.
6. Considering the stand taken by the Defendants today, in the opinion of this Court, a preliminary decree would be liable to be passed declaring the Plaintiffs together, Defendant No.1 and Defendant No.2 as one-third owners of the estate of Late Shri Surender Gulati. For the said purpose, let the parties appear before the Court either physically or virtually so that the statements can be recorded and a preliminary decree can be passed.
7. List on 3rd April, 2024.

PRATHIBA M. SINGH, J.

FEBRUARY 01, 2024/dk/ks