



\$~26

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

+ TEST.CAS. 9/1999

ANIL SACHDEVA @ KITTY

..... Petitioner

Through: Mr. Suhail Dutt, Sr. Advocate with
Mr. Azhar Alam, Mr. Akash
Sachdeva, Mr. Manoranjan & Mr.
Sankalp Goswami, Advocates.

versus

STATE & ORS.

..... Respondents

Through: Mr. Rajiv Khosla & Mr. Sunil Singh,
Advocates for R-2 & 3 with R-2 & 3
in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

17.11.2022

%

I.A 18416/2022 (U/O VII Rule 14 of CPC, 1908)

1. The present application under Order VII Rule 14 of the Code of Civil Procedure, 1908 has been filed on behalf of the petitioner-Anil Sachdeva seeking to place additional documents on record.
2. It is submitted that the petitioner on scrutiny of the old documents belonging to his late father he has come across an affidavit of Late Amrit Lal filed by him in the Suit No. 1856A/1992 before this Court where he had put his signatures which do not match with the alleged signatures of Late Amrit Lal present on the Will dated 02nd January, 1999. Further, there are Agreement dated 23rd December, 1987 and Sale Deed dated 14th July, 1998 which were filed along with the petition.
3. It is submitted that these are material documents. The case is still at



the stage of admission/denial of the documents. The prayer has, therefore, been made that the petitioner be permitted to place on record these documents.

4. Learned counsel on behalf of the respondents submits that the admission/denial of the document has already been completed and the proposed documents are not amenable to any of the admission/denial of the documents by the respondents.

5. It is further submitted that the petitioner is at liberty to prove these documents in accordance with law.

6. **Submissions heard.**

7. These are the documents sought to be relied upon by the petitioner in support of his contentions raised in the petition and are material for the adjudication of the controversy in hand.

8. The documents are taken on record.

9. The said documents are taken on record to be proved by the petitioner in accordance with law. As these documents do not pertain to the respondents and it is stated that no admission/denial of the documents can be done by the respondents.

10. Application is disposed of.

I.A 18852/2022 (U/S 151 of CPC, 1908)

1. The present application under Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the petitioner seeking necessary directions in view of the Orders dated 22nd September, 2005 and 07th March, 2006.

2. It is submitted that the petitioner had filed the TEST CAS. No. 9/1999 in respect of the registered Will dated 13th April, 1998 in favour of petitioner



executed by Late Shri Amrit Lal. However, the respondent No. 3 filed another TEST CAS. No. 6/2002 relating to the estate of Late Shri Amrit Lal on the basis of a forged Will dated 02nd January, 1999 and it does not contain the signatures of Late Shri Amrit Lal. While the two petitions were pending, files of the two petitions went missing and eventually orders were made and they were removed from the custody of the Court with a view to save them from the consequences of a fabricated document.

3. It is submitted that on 22nd September, 2005, the Court observed that the records have not been misplaced, but it is an intentional attempt for removing the file in which the respondents are involved. Be that as it may, separate directions in this regard would be passed after hearing the counsels of the parties.

4. On 07th March, 2006, it was observed that an enquiry has been conducted by the Joint Registrar who has given a Report dated 20th May, 2005. The matter was put up before the Hon'ble Justice Swantanter Kumar, wherein, it was further indicated that the appropriate orders will be made after hearing the parties. As it appeared to be an administrative matter, it was observed that there was no need not to take it on the judicial side. The case file was directed to be placed before the Hon'ble Chief Justice of this Court for taking the administrative decision on the basis of enquiry report.

5. It is submitted that no administrative decision has been taken. A prayer has, therefore, been made that the two files be put up before Hon'ble the Chief Justice for appropriate directions.

6. **Submissions heard.**

7. After some arguments, it has been conceded that the present matter on judicial side may be continued while the separate application for initiating



an enquiry into the files having gone missing be moved before Hon'ble the Chief Justice of this Court.

8. Learned counsel on behalf of the respondents has no objection to the request made by the counsel for the petitioner, though the content/averments of the application are totally denied.

9. In view of the submissions made, the parties are at liberty to move an appropriate application on administrative side before Hon'ble the Chief Justice of this Court for initiating an enquiry on administrative side in regard to the files having gone missing way back in the year 2005-06.

10. Accordingly, the application is disposed of in the above terms.

TEST.CAS. 9/1999

List for framing of issues on 13th January, 2023.

NEENA BANSAL KRISHNA, J

NOVEMBER 17, 2022

S.Sharma