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

+ CS(OS) 286/2020, I.A. 8703/2020, I.A. 8704/2020 & I.A.
19939/2022

GYAN KAUR

..... Plaintiff

Through: Mr. Harsh Kumar and Ms.
Sikha Gogoi, Advs. with
plaintiff in person

versus

RUPINDER GILL AND ORS.

..... Defendants

Through: Mr. Shaad Anwar, Adv.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

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21.03.2023

I.A. 9491/2021

1. The instant application has been preferred in respect of what the plaintiff contends is an admission made by the defendants as is clearly discernible from the written statement filed.
2. The Court notes that the plaintiff had set up a claim with respect to exclusive ownership over property bearing no.1/6088, East Rohtash Nagar, Shahdara, Delhi in terms of a Will which was executed by the testator and her husband on 27 March 2002.
3. The defendants in the written statement however have contended that the plaintiff has clearly concealed the factum of a subsequent Will having been executed by the testator on 17 December 2018. In terms of the said Will while the testator had recognised the right of the plaintiff to enjoy possession of the aforementioned property, it was further provided that she will not be entitled to transfer, mortgage, sale, lien or part with possession thereof to any other person.
4. According to learned counsel for the plaintiff since the



aforesaid Will has been alluded to by the defendants themselves in their written statement, it clearly amounts to an admission and thus warranting summary judgment being rendered in terms of Order XII Rule 6 of the Code of Civil Procedure, 1908.

5. The Court notes that the plaintiff is the wife of the testator while the defendants here are his daughters from an earlier marriage.

6. In view of the aforesaid and in order to enable the parties to consider an amicable settlement being arrived at, let the present suit be called again on 18.05.2023.

YASHWANT VARMA, J

MARCH 21, 2023

rsk