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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ RFA 427/2025  
BRIJ MOHAN CHADHA (DECEASED THROUGH LRS) SMT  
ROMILA CHADHA & ORS. ....Appellants

Through: Ms. Shobhana Takiar, Mr. Rajesh  
Sehrawat, Ms. Meeta Bali Sehrawat,  
Mr. Prateek Dhir and Mr. Kuljeet  
Singh, Advocates.

versus

O P CHADHA DECEASED SMT RAJ KUMAR CHADHA & ORS.

.....Respondents

Through:

**CORAM:**  
**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

% **14.05.2025**

**CM APPL. 29264/2025 (exemption)**

Exemption allowed, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

**RFA 427/2025**

**CM APPL. 29262/2025 (stay)**

**CM APPL. 29263/2025 (additional documents)**

By way of the present regular first appeal filed under Order  
XLI Rule 1 read with sections 96 and 97 of the Code of Civil  
Procedure 1908 ('CPC'), the appellant impugns judgment and  
*preliminary decree* dated 19.04.2025 passed by the learned District



Judge, Tis Hazari District Courts, Delhi in civil suit bearing Suit No.609561/2016, whereby the shares of the parties in the suit property bearing No. C-113, Kirti Nagar, New Delhi have been determined; and the matter has been posted for passing of the final decree of partition and for division of the suit property by metes and bounds.

2. Ms. Shobhana Takiar, learned counsel appearing on behalf of the appellants submits, that the suit property belonged to the father of the parties, who passed away on 26.04.1985, leaving behind Will dated 16.11.1981, which was duly registered with the concerned Sub-Registrar of Assurances.
3. Ms. Takiar submits, that the father was survived by a wife and 10 children - 05 sons and 05 daughters; but soon after the father's demise, his wife was also passed-away on 17.06.1985, leaving behind the 10 siblings.
4. Learned counsel submits, that by way of the Will, the father – Tara Chand Chadha - had bequeathed the suit property only to his 03 sons viz. Prem Kumar Chadha (described as Prem Sarup in the Will), Satish Kumar and Brij Mohan Chadha (described as Brij Mohan in the Will) *to the exclusion of all his daughters and his remaining sons* as well as their descendants and all other relatives.
5. Ms. Takiar submits, that the Will became the subject matter of consideration in a prior suit seeking injunction that was filed by 02 of the siblings, in which suit the present appellants had canvassed the said Will; which Will was proved based on the the statement of a witness, who came from the concerned Sub-Registrar's Office and proved the



registration and execution of the Will by his statement dated 04.05.2000. It is submitted that the Will was also proved on the statement of one of the attesting witness - Gulshan Raj - which statement was recorded in the course of the proceedings in the injunction suit; and the witness had deposed to the effect that the Will had been signed by Tara Chand and then by him and another witness, thereby proving the Will.

6. Learned counsel argues, that even one of the sisters - Aruna Malhotra, had said in the course of her statement recorded in the injunction suit, that the father had left behind a Will, on which she identified her father's signature.
7. Ms. Takiar submits, by inadvertence however, the Will was not canvassed before the learned District Court seized of the partition suit, for which the appellants have now moved CM APPL. No.29263/2025 under Order XLI Rule 27 of the CPC, seeking permission to bring on record additional documents.
8. Learned counsel submits, that in the meantime however, a preliminary decree for partition has been passed, which will eventually lead to a final decree of partition of the suit property by metes and bounds, *without* taking into consideration the contents of the Will left by their deceased father.
9. On a *prima facie* view of the matter, issue notice.
10. Upon the appellants taking steps, let notice be sent to the respondents by all permissible modes, returnable for the next date.
11. Let the notice indicate that replies to CM APPL. Nos.29262/2025 and 29263/2025 be filed within 06 weeks of service; rejoinder(s) thereto, if



any, be filed within 04 weeks thereafter; with copy to the opposing counsel.

12. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
13. Re-notify on 26<sup>th</sup> August 2025 before the learned Joint Registrar for completion of service and pleadings in CM APPL. Nos.29262/2025 and 29263/2025.
14. List before court thereafter.
15. In the meantime, on a *prima facie* view of the matter and based on arguments canvassed by learned counsel appearing for the appellants, which are borne-out by the documents appended to the appeal, further proceedings in civil suit bearing Suit No.609561/2016 pending before the learned District Judge, Tis Hazari District Courts, Delhi shall remain *stayed* till the next date of hearing before this court.

**ANUP JAIRAM BHAMBHANI, J.**

**MAY 14, 2025**

*V.Rawat*