



\$~26

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

+ **CS(OS) 531/2022**

RITA KALRA

..... Plaintiff

Through: Mr. Jayant Tripathi with
Mrs. Nayantara Roy, Mr. Sarfaraz
Ahmad and Mr. Eeshan Sharma,
Advocates.

versus

HARVINDER SINGH KALRA & ORS.

..... Defendants

Through: Mr. Akshay Makhija, Senior
Advocate with Mr. B.P. Shukla, Ms.
Neeru and Mr. Seerat Deep Singh,
Advocates for D-1, 3 & 4.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

%

20.10.2022

I.A. 17384/2022 (of the defendant no.1 u/O-VII R-11 of CPC)

1. Issue notice.
2. Notice is accepted on behalf of the plaintiff.
3. Reply be filed within three weeks.
4. List on 22nd February, 2023, the date already fixed.

I.A. 17385/2022 (of the defendant no.1 u/O-XIII R-1 of CPC)

5. The present application has been filed on behalf of the defendants no.1, 3 and 4 seeking the following directions:

“a. Pass an order thereby direct the plaintiff to produce original Will dated 09.09.1993 of late Sh. Sewa Singh and Will dated 28.12.2020 of Late Smt. Mohinder Kaur and original



source of Voice Recording and video of Late Smt. Mohinder Kaur on a specific date fixed by this Hon'ble Court.

b. Pass an order thereby Mr. Deepak Jain, Hand Writing Expert be allowed to conduct scientific test of the original documents for 1 (one) hour and allow to take the photographs/sample of the above mentioned documents i.e original Will dated 09.09.1993 of Late Sh. Sewa Singh and Will dated 28.12.2020 of late Smt. Mohinder Kaur and Voice Recording and video of late Smt. Mohinder Kaur on the said specific date.”

6. Counsel for the plaintiff does not oppose this request and submits that the said defendants should deposit the original Gift Deed dated 23rd June, 2022 executed by the defendant no.1 in favour of the defendants no.3 and 4, alongwith the original Will dated 11th March, 1993 allegedly executed by father, Shri Sewa Singh and original Will dated 24th May, 2019 executed by the mother, Smt. Mohinder Kaur, with the Registry of this Court.

7. After hearing the counsels for the parties, the following directions are passed:

- i. The plaintiff shall offer inspection of the original Will dated 9th September, 1993 and the Will dated 28th December, 2020, executed by Late Sh. Sewa Singh and Late Smt. Mohinder Kaur respectively, to the defendant no.1.
- ii. At the time of inspection, the handwriting expert of the defendant no.1 shall be permitted to take photographs of the aforesaid original Wills.
- iii. The sample of voice recording and video of Smt. Mohinder Kaur in regard to her Will dated 28th December, 2020 shall be given to the defendants and the original source of the same shall be provided for



inspection.

- iv. The defendants shall also offer for inspection the original Gift Deed dated 23rd June, 2022 executed by the defendant no.1 in favour of the defendants no.3 and 4; the original Will dated 11th March, 1993 executed by Late Sh. Sewa Singh and; the original Will dated 24th May, 2019 executed by Late Smt. Mohinder Kaur, to the plaintiff.
 - v. At the time of inspection, the handwriting expert of the plaintiff shall be permitted to take photographs of the aforesaid original Gift Deed and original Wills.
8. Let the aforesaid directions be complied within four weeks from today.
9. The application stand disposed of.

CS(OS) 531/2022

10. Written statement has been filed on behalf of the defendant no.1,3 and 4.
11. The defendant no.2 is unrepresented in the present suit. It is submitted by the counsel for the defendants no.1, 3 and 4 that he suffers from multiple sclerosis.
12. Counsel for the parties jointly submit that a Local Commissioner be appointed to visit the defendant no.2 and determine whether he would like to engage a counsel to represent his interest in the present suit.
13. Accordingly, Mr. Sudhir Sachdeva, Assistant Registrar (Mobile No.9990006177) is appointed as a Local Commissioner to visit the defendant no.2. The following directions are passed in this regard:
- I. The Local Commissioner shall visit the defendant no.2 and determine whether the defendant no.2 would like to engage a counsel to



represent his interest in the present suit or would like the plaintiff or the defendant no.1 to engage a counsel on his behalf or if a counsel be engaged by the Delhi High Court Legal Services Committee to represent his interest in the present matter.

- II. Both the plaintiff and the defendant no.1 are permitted to remain present at the time of the visit of the Local Commissioner.
 - III. Fees of the Local Commissioner is fixed at Rs.50,000/-, to be shared between defendant no.1 and the plaintiff.
 - IV. The report of the Local Commissioner be filed on or before 31st October, 2022.
14. Since the dispute is between the family members, it is deemed appropriate to refer the parties for Mediation. Counsels for the parties do not oppose the same.
15. Accordingly, the parties shall appear before the Delhi High Court Mediation and Conciliation Centre on 31st October, 2022 at 4.00 PM.
16. List before the Joint Registrar on 18th November, 2022, the date already fixed.

AMIT BANSAL, J.

OCTOBER 20, 2022

at