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

+ **RFA 544/2025 & CM APPL. 45216/2025**

RITU SHARMA & ANR.

.....Appellants

Through: Mr. S.C. Singhal, Mr. Parth Mahajan,
Mr. Ritvik Madan and Ms. Garmita
Bansal, Advocates.

versus

RAMA BEHAL & ORS.

.....Respondents

Through: Mr. (Counsel for R-1) appearance not
given.
Mr. Tejas Singh, Advocate for LR's of
respondents Nos. 2 & R-3.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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16.10.2025

CM APPL. 36215/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

RFA 544/2025 & CM APPL. 36214/2025 (stay)

By way of the present regular first appeal filed under section 96 of the Code of Civil Procedure 1908, the appellants impugn judgment and decree dated 19.04.2025 passed by the learned District Judge-06, West District, Tis Hazari Courts, Delhi in suit bearing CS No. 611645/2016.

2. Mr. S.C. Singhal, learned counsel appearing for the appellants (daughters of late Sh. Gian Parkash Baruta) submits, that the learned trial court has dismissed their suit *inter alia* seeking partition in



relation to the properties of their late father, taking a view that *vide* Will dated 26.04.1989, their father-Gian Parkash had willed that after the lifetime of their mother-Kamla Devi Baruta - the suit properties were to vest in respondents Nos. 2 & 3 respectively, who are the brothers of the appellants.

3. Mr. Singhal argues, that it is their case that even if the father's Will is taken to be correct, after the demise of their mother, the suit properties would devolve, by intestate succession, equally upon all the siblings, including the appellants, since admittedly their mother had not left any Will.
4. It is submitted, that a perusal of the Will of their late father would show that the bequest left upon the wife *did not prescribe a restricted estate* in the suit properties in favour of their mother; and therefore, by operation of section 14 of the Hindu Succession Act 1956, in particular section 14(2) thereof, the bequest upon the wife was an absolute bequest and the subsequent narration in Will dated 26.04.1989 would be of no consequence.
5. In view of the above, issue notice.
6. Learned counsel appear on behalf of the respondents on advance copy; accept notice; and seek time to file reply to the stay application.
7. Let reply to the application bearing CM APPL. No. 36214/2025 be filed within 06 weeks; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.
8. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.



9. Re-notify on 07th January 2026 before the learned Joint-Registrar for completion of pleadings in CM APPL. No. 36214/2025.
10. No reply is required in the appeal.
11. List before court thereafter.
12. On a *prima-facie* view of the matter, and in light of the submissions made, the respondents are directed to maintain *status-quo* as regards title, possession and construction of the suit properties, till the next date of hearing before this court.
13. The date of 12.11.2025 given by the learned Joint Registrar stands cancelled.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 16, 2025

V.Rawat