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

+ **CS(OS) 522/2024 & I.A. 32537/2024 I.A. 43880/2024 I.A. 46154/2024**

SURINDER KAUR

.....Plaintiff

Through: Mr. Narender Sharma, Mr. Abhishek
Sharma, Advocates

versus

JASJEET SINGH & ORS.

.....Defendants

Through: Mr. Amit Khanna and Mr. Raj
Vardhan, Advocates for D-1 to D-4
Mr. Rajiv Duggal, Advocate for D-5
and D-6.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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17.04.2025

1. Learned counsel for defendant nos. 1 to 4 states that the written statement along with affidavit of admission/denial of documents is on record.

1.1. He in fact presses for I.A. 43880/2024 filed under Order VII Rule 11 of the Code of Civil Procedure, 1908 ('CPC') seeking rejection of plaint.

2. Learned counsel for the plaintiff states that he has been served with an advance copy of the written statement of defendant no. 5, however no documents have been served by defendant no. 5 and nor is the affidavit of admission/denial of documents served upon the plaintiff.

2.1. He states that defendant no. 5 has referred to a Will dated 21.12.2015



in its written statement, however no copy of the Will as well have been provided.

2.2. He states that also defendant nos. 1 to 4 have pleaded and relied upon a Will dated 09.12.2015 in the written statement.

2.3. He states that in the absence of the said alleged Will dated 21.12.2015, plaintiff at this stage is unable to respond to the written statement of defendant nos. 1 to 4 and written statement of defendant nos. 5.

2.4. He states that the plaintiff may also have to consider amending the plaint to challenge the Will dated 09.12.2015 and 21.12.2015.

3. Learned counsel appearing for defendant nos. 5 and 6 states that written statement of both defendant nos. 5 and 6 has been filed along with affidavit of admission/denial of documents.

3.1. He states that Will dated 21.12.2015 will be filed by defendant no. 5 within a period of two (2) weeks and will be duly served upon the plaintiff as well.

4. This Court has heard the counsels for the parties.

5. The parties are directed to ensure their pleadings already e-filed, are brought on record within a period of two (2) weeks.

6. Since the parties are not ad-idem on the pleadings exchanged, therefore, the parties are directed to re-serve their respective pleadings on each other within a period of one (1) week and also take appropriate steps for having their pleadings and affidavits brought on record within two (2) weeks.

7. Last opportunity is granted to defendant nos. 5 and 6 to place on record the Will dated 21.12.2015 within two (2) weeks.

8. This Court would like to observe that plaintiff does not have to amend



the plaint to challenge the Will(s) propounded by defendant nos. 1 to 4 and defendant nos. 5 and 6 in their written statement since the challenge, if any, to the said Wills can be set up by the plaintiff in the replication, as in law the onus to prove the Will is on the propounder. This observation is on the premise that plaintiff had no knowledge of the alleged Wills prior to filing of the suit.

9. This Court finds merits in the submissions of learned counsel for the plaintiff with regards to filing of replication to the written statement of defendant nos. 1 to 4 and defendant nos. 5 and 6 simultaneously. It is therefore directed that the plaintiff shall file its replication to the written statement(s) of defendant nos. 1 to 4 and defendant nos. 5 and 6 after he has been supplied a copy of the Will dated 21.12.2025.

10. List before the learned Joint Registrar for completion of service and pleadings, marking of exhibits and admission/denial of documents on **20.05.2025**.

11. List the matter for framing of issues and disposal of applications before the Court on **02.09.2025**.

APRIL 17, 2025/mt/ms

MANMEET PRITAM SINGH ARORA, J

[Click here to check corrigendum, if any](#)