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

+ TEST.CAS. 4/2022, I.As.792/2022 (of petitioner under Section 151 CPC for injunction) & 793/2022 (of petitioner under Section 151 CPC for sealing of the original Will)

DINESH CHADUAHRY

..... Petitioner

Through: Mr. Rajesh Yadav, Sr. Adv. with Mr. Nishant Anand, Adv.

Versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Akkash Bhadana, Ms. Ayushi Sharma and Ms. Meena Chaudhary Sharma, Advs. for R-3.

CORAM:

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **17.01.2022**

[VIA VIDEO CONFERENCING]

1. The present petition has been filed by the petitioner under Section 276 of the Indian Succession Act, 1925 for grant of Probate/Letters of Administration in respect of the Will dated 28th August, 2020 of late Shri Naresh Lal Chaudhary.
2. Mr. Rajesh Yadav, learned senior counsel for the petitioner submits that by way of the Will the properties situated at Delhi and Haridwar, Uttarakhand were apportioned between the three children of late Shri Naresh Lal Chaudhary.
3. Issue notice.

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4. Mr. Akkash Bhadana, Advocate accepts notice on behalf of the respondent No.3.
5. Issue notice of the petition as well as of applications to the remaining respondents by all permissible modes, on the petitioner taking necessary steps, returnable before Joint Registrar on 25th April, 2022.
6. Notice be also issued to the concerned Tehsildars/SDMs for the next date of hearing to place on record the Valuation Report in respect of Flat bearing No. 294, Second Floor, SFS, Ashok Vihar, Phase- IV, Delhi-110052 and Property/land comprised in Khasra No.182 (0.0775 hectare), Khasra No.183 (0.1250 hectare), Khasra No.184A (0.2150 hectare), Khasra No.197B (0.0455 hectare), Khasra No.198 (0.0400 hectare), Khasra No.200 (0.0100 hectare), Khasra No. 201 (0.0800 hectare), Khasra NO.202A (0.1010 hectare), totalling 0.6940 hectare, situated in Village-Haripurkalan, Pargana - Parwadoon, Dehradun, Uttarakhand.
7. In the meanwhile, citations be published in two daily newspapers, one in English and one in Hindi, having wide circulation in NCT of Delhi, Ajmer, Rajasthan and Haridwar, Uttarakhand.
8. The petitioner is directed to file the original Will before the Joint Registrar, which shall be kept in safe custody with the Registry in accordance with the extant Rules in this regard.
9. The learned senior counsel for the petitioner submits that directions be issued to the parties to maintain *status-quo* with respect to the properties as listed in the Schedule of the Properties placed at pages 26 to 28 of the petition.

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10. At this stage, it is submitted on behalf of the respondent No.3 that the details of the Haridwar properties are not properly given.
11. Directions are issued to the parties to maintain *status-quo* with regard to the title and possession in respect of property at Delhi being Flat bearing No. 294, Second Floor, SFS, Ashok Vihar, Phase- IV, Delhi-110052 and the movable properties as listed in the Schedule. Subject to the correct number being provided, the parties shall also maintain *status-quo* with regard to the Haridwar properties.
12. Provisions of Order XXXIX Rule 3 CPC be complied with qua respondent No.4.
13. List before the Joint Registrar on 25th April, 2022 for completion of service and pleadings.
14. The order be uploaded on the website forthwith.

ASHA MENON, J.

JANUARY 17, 2022
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