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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No : DLHC010603432024

+ **CS(OS) 736/2024**

ANASTASIA MIRJANA JOJIC OBEROI & ORS.

.....Plaintiffs

Through: Mr. Swapnil Gupta, Mr.
Aadil Singh Boparai, Ms.
Shivambika Sinha, Mr.
Tarun Mishra, Mr. Harshit
Mishra, Mr. Ronit Bose,
Ms. Nimita Kaul & Mr.
Nikunj Bindal, Advs. for
Plaintiffs (M: 7042020705)
(through VC)

versus

RAJARAMAN SHANKAR & ORS.Defendants

Through: Mr. Shankh Sen Gupta, Mr.
Tanmay Patnaik, Mr. Ribhu
Garg and Mr. Shreyas
Sharma, Advs. for D-1 & 2.
Ms. Ambika Mathur, Adv.
for D-3.
Mr. Narendra M. Sharma,
Mr. Aryan Sharma and Ms.
Shubhangi Tiwari, Advs. for
D-4 & 9 (through VC).
Mr. Shivank Diddi and Ms.
Sanya Abasi, Advs. for D-5
& 6.
Mr. Aman Gupta, Mr. Anup
Kashyap, Ms. Divya Gupta
and Mr. Divyam Kandhari,
Advs. for D-7 & 8.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. GAGANDEEP
JINDAL (DHJS)**

ORDER

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20.08.2026

Proceedings are being conducted through hybrid mode.

**I.A. 17593/2025 (by plaintiff u/O XI Rule 12 CPC r/w
Chapter VIII Rule 1 of Delhi High Court (OS) Rules,
2018 for discovery of documents)**



1. The captioned IA has been filed for seeking the discovery of following documents:

a. from defendant no. 4, 5, 6, 7 & 8:

“i. Minutes of all Board Meetings of each of Defendant No. 4, 7 and 8 for the period between January 2020 till 31.03.2023.

ii. Minutes of all general meetings of each of Defendant No. 4, 7 and 8 for period between January 2020 till 31.03.2023.

b. from defendant nos. 5, 6, 7 & 8

iii. All minutes of Board or shareholder meetings of the Defendant No. 7 and 8 from inception till date pertaining to issuance, transfer or allotment or change in rights attached to any shares.

iv. Minutes of all AGM of Defendant No.7 and 8 companies from 1st April 1992 till 30.09.2023.

c. from defendant nos. 1, 2, 3, 5 & 6

v. Copies and/or originals of any will or codicil of Late PRS Oberoi including the wills dated 16.12.1993, 24.01.1995, 12.07.1996, 16.06.1998, 20.12.1998, 19.05.2004, 28.02.2005, 12.12.2006, 09.09.2010, 04.04.2011, 11.02.2012, 27.02.2013, 26.07.2013, as well as the registered will dated 12.11.2018”.

2. Ld. Counsel for the plaintiff argued that this suit pertains to the estate of Late Mr. PRS Oberoi who had provided for distribution of his estate as per his last and final Will dated 25.10.2021 and as also amended by codicil dated 27.08.2022.
3. He further argued that Defendant No. 5 and 6 have alleged that late Sh. PRS Oberoi’s mental and physical



declined impaired his ~~ability~~ and the last Will and codicil were executed under influence.

4. Late Mr. PRS Oberoi served on the board of defendant nos. 7 & 8 companies till his demise and executive chairman in defendant no.4 company upto 03.05.2022 and as Chairman Emeritus. Therefore, the minutes of board meetings of defendant nos. 4, 7 & 8 companies for the period from January, 2020 till 31.03.2023 would reflect upon his abilities at that time.
5. He further argued that defendant nos. 5 & 6 have claimed that the shares of Late Mr. PRS Oberoi held in defendant nos. 7 & 8 company are subject matter of alleged trust. Defendant nos. 7 & 8 companies are holding companies of defendant no.4. Therefore, record maintained by defendant nos. 7 & 8 companies in respect of issuance and transfer shares from inception till date become relevant to throw light on the matters in controversy.
6. He further argued that defendant nos. 5 & 6 have alleged a purported Will dated 20.03.1992 claiming the same to be the last and final will of Late Mr. PRS Oberoi. However, according to Defendant No. 2, who was a confidante of Late Mr. PRS Oberoi and is an advisor to the Oberoi family including Defendant No. 5 and 6, Late Mr. PRS Oberoi executed several wills after 1992 as summarized in his email dated 09.02.2024. It is verily believed that the copies / originals of the said wills would be in the power and possession of Defendant No.1, 2, 3, 5 and 6. The intervening Wills would throw light upon matters in the controversy. Therefore, defendant no. 1, 2, 3, 5 & 6 be directed to produce those Wills/registered



Wills.

7. He has relied upon the following judgments :
 - i. ***Sh. M.L.Sethi Vs. Sh. R.P. Kapur (1972) 2 SCC 427***
 - ii. ***F.Hoffman-La Roche Ltd. & Ors. Vs. Drugs Controller General of India & Ors. (2025 Delhi High Court 997)***
 - iii. ***Negolice India Ltd. Vs. Prabhat Bhaskar/Prabhatbhaskar.com & Ors. (2020 SCC Online Del 3358)***
 - iv. ***SNS Products Private Limited Vs. Ijazuddin decided on 07.02.2023 in CS(COMM) 34/2022 DHC.***
8. Ld. Counsel for defendant no. 2 oppose the application on the ground that the captioned application does not plead any reason or identify any reason in the suit to which the contents of any particular intervening Will are said to be relevant nor does it explained why discovery of these intervening Wills are relevant at this stage. To succeed in this suit the plaintiffs are required to establish the existence and validity of 2021 Will. If plaintiff succeed in establishing the 2021 Will, the claim founded upon the 1992 Will would necessary fall regardless of intervening Will as the 1992 Will would render inoperative and superseded by 2021 Will. Therefore, the intervening Wills are not relevant to any issue or controversy in the suit or even in the counter claims of defendant nos. 5 & 6.
9. He further argued that disclosure of intervening Will would delay the conclusion of these proceedings and expand and already voluminous evidentially record. The



intervening Wills are held by AEQUUS Counsel PTY Ltd. which is an incorporated legal practice and a separate legal remedy based in Australia which is not part in these proceedings and therefore any person who is not party to the suit cannot be asked to produce the documents. Therefore, no orders for production of intervening Wills can be passed against defendant no. 2.

10. Without prejudice to the aforesaid submission it was also submitted that AEQUUS Counsel PTY Ltd has offered to make available to the plaintiffs. The copies of approximately 31 intervening Wills subject to the consent of other executors and payment of reasons cost towards retrieving, reviewing, copying and transmitting the documents.

11. He has relied upon the following judgments:

- i. *M. Sivasamy Vs. Vestergaard Frandsen A/S & Ors.* 2009 SCC Online Del 2310**
- ii. *M.L.Sethi Vs. R. P. Kapur, (172) 2 SCC 427***
- iii. *Tara Batra Vs. Punam A. Kumar, 2021 SCC Online Del 4331***
- iv. *Ishpinder Kochhar Vs. Deluxe Dentelles (P) Ltd., 2014 SCC Online Del 3205***

12. Ld. Counsel for defendant no. 4 argued that the present application is barred by limitation because it has not been filed within 15 days after receiving the copy of written statement filed on behalf of defendant no. 4 on 08.01.2025. He further argued that the plaintiff has sought the production of voluminous privileged and confidential record of defendant companies which is not permissible in law. A Emeritus Chairman has no voting



rights, no decision made in power in the board meetings. Therefore, the minutes of the board meetings of defendant companies sought by the plaintiff would not render through any light upon the mental capacity of Late Mr. PRS Oberio to execute the Will.

13.Ld. Counsel for defendant nos. 5 & 6 argued that plaintiff seeks omnibus discovery of minutes without identify any specific meeting transaction resolution for relevant period. Nor do they explain how such sweeping discovery bears any nexus to the issues in the instant case including Late Mr. PRS Oberoi's testamentary capacity as on 25.10.2021 or 27.08.2022. He further argued that plaintiff no. 1 is herself Managing Director and Director of defendant no. 8 respectively and has already inspected their records. The captioned application fails to even plead that defendant nos. 5 & 6 are in possession or power of the requisite minutes. The statutory minutes are records of respective company maintained in their registered office and defendant nos. 5 & 6 are not their personal custodians.

14.The present application is founded entirely on conjecture and surmise and has been filed to do a roving enquiry which is not permissible in law.

15.He has relied upon the following judgement:

i. M. Sivasamy Vs. Vestergaard Frandsen A/S & Ors. 2009 SCC Online Del 2310.

ii. Basanagouda Vs. S.B.Amarkhed (Dr), (1992) 2 SCC 612.

iii. Naveen Jindal Vs. M/s Zee Media Corporation & Another, 2017 SC Online Del 8209.



**iv. *Madhyamam Broadcasting Ltd. Vs. Union of India,*
(2023) 13 SCC 401.**

**v. *Nooral Hassan Vs. Nahakpam Indrajit Singh,*
(2024) 9 SCC 353.**

16.Ld. Counsel for defendant nos. 7 & 8 argued that this is a data farming exercise to use the information in other litigation. Plaintiff no. 1 is Director in the defendant nos. 7 & 8 companies and has already exercised her rights on 03.03.2025 by inspecting the documents. Minutes of a board meetings does not reflect upon the mental status of individual but the decision making of the board on behalf of the company. The voluminous documents sought by the plaintiff would not aid the trial nor unnecessary for the trial but to harass the defendants to directing them to produce such a relevant documents.

17.He has relied upon the following judgements:

i. *Delhi State Industrial & Infrastructural Development Corporation Ltd. & Anr. Vs Mr. Shiv Kumar* 2013 SCC Online Del 3773.

ii. *Basanagouda Vs. Dr. S.B. Amarkhed & Others* 1992 SCC Online SC 370.

iii. *M. Sivasamy Vs. Vestergaard Frandsen A/S & Ors.* 2009 SCC Online Del 2310.

18.I have gone through the record and give thoughtful consideration to the rival submissions.

19.Chapter VIII Rule 1 of Delhi High Court (Original Side) Rules, 2018 provides that in addition to the right of plaintiff to file applications as provided in Rule 1(F) of Chapter IV of these rules, the plaintiff shall also be entitled to file such application within 15 days of receipt



of written statements from the defendant. No such application by the plaintiff, except with the leave of court, shall be entertained thereafter.

20.Ld. Counsel for defendant no. 4 has argued that this application is barred by limitation under Rule 1 of Chapter VIII as it has been filed after 15 days of receiving the written statement of defendant no.4.

21. In the case of **Umesh Gupta Vs. Monika Singal Manu/PH/3297/2025** the Hon'ble High Court of Punjab & Haryana had made observations with regard to procedural bar under the scheme and sequence of CPC for invoking order XI CPC and made following observations:

“11. Significantly, the very scheme and sequence of the Code of Civil Procedure, 1908 make it evident that, in its true intent and essence, the provision for interrogatories is confined to the pre-trial stage and is not meant to be invoked once the trial has proceeded to the stage of evidence. The Code is designed to be followed in the order in which its provisions are drafted, each stage leading logically to the next. The chapter dealing with discovery including Order XI (Interrogatories) is placed before the Orders dealing with admissions (Order XII), framing of issues (Order XIV), and summoning and examination of witnesses (Orders XVI to XVIII). This placement reflects the legislative intent that interrogatories are to function as a pre-trial discovery mechanism to clarify facts and obtain admissions before the framing of issues, so that parties can be pinned down to actual controversy prior to witnesses are summoned or examined.

12. Accordingly, once the proceedings have progressed to the stage of examination of witnesses, the structure and sequence of the CPC itself preclude recourse to interrogatories. Their use at such a late stage would be inconsistent with the procedural design of the Code and would defeat its purpose of ensuring an orderly and expeditious trial. It thus becomes apparent that interrogatories are intended to be filed before the



commencement of evidence, and preferably even before or immediately after framing of issues, so that the process of discovery fulfils its intended function of narrowing the controversy rather than interrupting the course of trial. There can be deviation from this scheme in suitable cases for meeting the ends of justice as rules of procedure are handmaid of justice. Therefore, both on account of the petitioner's conduct and the procedural bar flowing from the scheme of the CPC, the application filed by the petitioner under Order XI Rule 1 CPC deserves to be rejected.”

22. In the case of *SNS Products Pvt. Ltd. Vs. Ijaz Uddin*

(Supra) the Hon'ble High Court of Delhi has held that limitation period for filing the replication shall start from the date when the written statement is permitted to be taken on record and not when it was received by the plaintiff and made following observation:

“11. I do not agree with the submission of the defendant that in all cases the period for filing replication would commence from the date of written statement being supplied by the defendant to the plaintiff in terms of Rule 5 of the Delhi High Court (OS) Rules. Undoubtedly, the language used in Rule 5 of the Delhi High Court (OS) Rules is that the replication has to be filed within 30 days from the receipt of the written statement. This may be ordinarily so. However, where the written statement was filed beyond the statutory time limit and was taken on record only upon an application for condonation of delay being allowed by the Court, the aforesaid rule has to be interpreted in a manner that the period of 30 days will begin from the time the written statement is permitted to be taken on record.

12. This issue may be examined from a different point of view as well. There would be no requirement for the plaintiff to file a replication in the event that the application seeking condonation of delay in filing written statement is not allowed and the written statement is not taken on record. The plaintiff would be required to file replication only once the condonation in delay is allowed and the written statement is taken on record. Therefore, it is axiomatic that the period for filing replication would



only commence from the date when the delay is condoned and the written statement is taken on record.”

23. Similarly in this case, the application for condonation of delay in filing written statement on behalf of defendant no. 4 was allowed on 22.05.2025. The application for condonation of delay in filing the written statement on behalf of defendant nos. 7 & 8 was allowed on 06.08.2025. Therefore, the date of receiving the written statement of defendant no.4 on 08.01.2025 is not relevant in view of aforesaid judgement.
24. The notice of the captioned IA was issued and accepted by Ld. Counsel for defendant nos. 1 to 8 on 25.07.2025. It is deemed that the notice has been issued by the court after granting the leave to the plaintiff to move such application.
25. The plaintiff has sought the discovery of minutes of all board meetings of defendant no. 4, 7 & 8 companies for the period from January, 2020 till 31.03.2023 just to reflect the abilities of Late Sh. PRS Oberoi at that time in order to prove that he has executed the Will dated 25.10.2021 and codicil dated 27.08.2022 in fit state of mind.
26. Minutes of board meetings serve as official, legally binding record of a cooperative actions. The minutes only shows that a meeting of board of Directors took place and decision of board Directors were recorded therein. They lack the depth required to establish Psychological or cognitive health of any director/chairman attending such meeting. It does not reflect actual mental state of the participants during the discussion. The minutes are concise summaries of resolution and decisions, not word



for word transcription or behavioural logs. Moreover company secretaries heavily draft and polish minutes masking and individual actual speech or actions. Therefore, this court does not find any reasonable ground directing the defendant nos. 4, 5, 6, 7 & 8 to produce the minutes of all board meetings of each of defendant nos. 4, 7 & 8 for the period from January, 2020 till 31.03.2023 just to reflect upon the mental state of Late Mr. PRS Oberoi at that time. The plaintiffs have to stand upon their own legs to prove their case by proving that Late Mr. PRS Oberoi was in fit state of mind at the time of execution of Will dated 25.10.2021 and codicil dated 27.08.2022 by leading cogent evidence during the trial.

27. Secondly, the plaintiff has sought the production of all the intervening Wills prior to 25.10.2021 of Late Mr. PRS Oberoi.

28. Defendant no. 2 has sent an email to plaintiffs on 09.02.2024 containing the summary Will changes from 1992 to 2018. This email has been admitted as correct by the defendant no. 2 in his affidavit for admission/denial of documents. However, defendant no. 2 has not filed the intervening Wills from 1992-2018 as mentioned in the said email. Those intervening Wills are relevant for proper adjudication of this suit. Now defendant no. 2 cannot escape by saying that these intervening Wills are in possession of AEQUUS Counsel PTY Ltd.

29. During the arguments, Ld. Counsel for defendant no. 2 has argued that defendant no. 2 is ready to produce the intervening Wills upon the payment of the costs as mentioned in the written submissions filed on behalf of



defendant no.2.

30.Ld. Counsel for plaintiff has also submitted that the plaintiffs are ready to pay the necessary cost for production of intervening Wills as mentioned in the captioned IA. Thus, the defendant no. 2 is directed to produce the intervening Wills/codicils mentioned in the captioned IA upon the payment of requisite cost by the plaintiff.

31.These intervening Wills/codicils shall be kept by the registry in the sealed envelope once these are produced by defendant no.2.

32.Thirdly, the plaintiff has sought discovery of minutes of all board meetings of defendant nos. 7 & 8 company from inception till date pertaining to issuance, transfer or allotment or change in rights attached to any shares and minutes of all AGM of defendant nos. 7 & 8 company from 01.04.1992 to till 30.09.2023 on the ground that defendant nos. 5 & 6 have claimed that the shares which were in existence in 1992 and the shares issued subsequently are subject matter of Trust whereby Late Mr. PRS Oberoi could not have dealt with the shares of defendant nos. 7 & 8 company.

33. Defendant nos. 5 & 6 in their written statement have averred that the Trust was created to give control of defendant nos. 7 & 8 companies to defendant nos. 5 & 6. They agreed to restructure of defendant nos. 7 & 8 in 1992 and alter their immediate positions to their own retirement solely based on the promise made by Late Mr. Rai Bahadur Mohan Singh Oberoi and Late Mr. PRS Oberoi. The said restructure of defendant nos. 7 & 8



company was duly approved by the respective boards of the companies and subsequently ratified by the share holders.

34. In view of these averments made in the written statement filed on behalf of defendant nos. 5 & 6, minutes of all board meetings of defendant nos. 7 & 8 company from inception till date pertaining to issuance, transfer or allotment or change in rights attached to any shares and minutes of all AGM of defendant nos. 7 & 8 company from 01.04.1992 to till 30.09.2023 for transfer of shares are relevant and necessary for adjudication of the suit. Therefore, defendant nos. 7 & 8 companies are directed to produce these records. Considering the confidentiality of this data/documents, the formation of confidential club is required. Accordingly, the confidential club is formed comprising of the following members:

- a) Two Advocates and an expert from plaintiff side.
- b) Two Advocates from defendant no.5, 6
- c) Two Advocates from defendant nos. 7 & 8.

35. The aforesaid documents shall be agreed upon among the parties after said documents have been filed.

36. Necessary affidavits in terms of annexure F Chapter VII Rule 17 of Delhi High Court (Original Side) Rules, 2018 be filed by the aforesaid members of the confidential club within four weeks and they shall be bound by the protocols prescribed in the rules.

37. It is clarified that nothing mentioned in the order was tantamount to express of opinion on the merits of the case.

38. Accordingly, the captioned IA is partially allowed.

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37. An application for amendment of plaint is pending before the Hon'ble Court for consideration.

38. Re-notify the present matter before the Hon'ble Court on the date already fixed i.e. **9th February, 2027.**

**GAGANDEEP JINDAL (DHJS)
JOINT REGISTRAR (JUDICIAL)**

AUGUST 20, 2026/PU

Click here to check corrigendum, if any