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

+ TEST.CAS. 38/2014

HARKIRAT SINGH SODHI

..... Petitioner

Through

Mr.Lalit Gupta and Mr.Siddharth
Arora, Advs. alongwith petitioner in
person

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through

Mr.Ved Prakash Sharma, Ms.Amrit
Kaur Oberoi and Mr.Manish Kumar
Saryal, Advs. for R-2 to 4.

Mr.Jagjit Singh, Mr.Preet Singh and
Mr.Vipin Chaudhary, Advs. for R-5
and 6.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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07.02.2019

IA. 16507 and 16506/2018

1. IA 16507/2018 is filed by the petitioner praying that appropriate directions be passed for affecting change of name in favour of the petitioner with regard to the shares mentioned in para 6 of the present application and for conversion of these shares from physical to dematerialised/electronic form.
2. IA 16506/2018 is filed by respondent No.6 seeking similar relief for another set of 64 shares of MRF Ltd. which are said to be bequeathed to him by the deceased Testatrix late Mrs.Surinder Kaur Sodhi vide Will dated 13.01.1987.
3. The learned counsel appearing for the petitioner has pointed out that



under the Will dated 13.01.1987 there exists a residuary clause under which the balance assets have to go to the petitioner. He also relies upon the circular of NSDL dated 18.07.2018 to the effect that affecting transmission/transposition of securities shall not be processed on or after 05.12.2018 unless the securities are held in the dematerialised form with a depository. Hence, he prays that the shares as noted may be transferred in the name of the petitioner subject to undertaking that the petitioner shall not alienate or transfer the shares. A similar plea has also been made by the learned counsel appearing for respondent No.6.

4. The learned counsel appearing for respondent Nos.2 to 4 have however opposed the present applications stating that the Will relied upon by the petitioner dated 13.01.1987 was revoked by execution of a registered Revocation Deed dated 07.06.2004 by the testatrix. Based on this, it is pleaded that there is no right of the petitioner to get the shares transferred in his name. It is further pleaded that the circular dated 18.07.2018 does not destroy the title of the testator/LRs in the shares in question.

5. After some arguments, the learned counsel for the parties submit that without prejudice to the rights and contentions of the parties, the said shares as stated in the both these applications may be transferred jointly in the name of the petitioner-Sh.Harkirat Singh Sodhi, and respondent No.2-Mrs.Amita Gandoak.

6. It is made clear that the parties in question, namely, the petitioner and respondent No.2 will hold the shares jointly but will not sell, alienate or transfer them to any third party. All dividends received shall be kept in a joint bank account but the parties shall not withdraw the said amount. The said amount will be kept on interest rate in FDR. It is also made clear that



the above arrangement is an interim arrangement and is subject to further orders of this court.

7. With these observations, the present applications stand disposed of.

IA 17129/2018

8. A copy of this application has not been supplied to the learned counsel appearing for respondent Nos.5 and 6. Needful has been done in court today itself.

9. By this application, the applicants, namely, defendant Nos.2 to 4 pray that the documents filed alongwith the present application be taken on record.

10. A perusal of the documents shows that the applicants seek to place on record a certified copy of the Revocation Deed dated 07.06.2004 by which it is stated that the Testatrix had revoked the Will dated 13.01.1987. It is an admitted fact that a photocopy of this Revocation Deed had been filed. Along with this document a certified copy of the entire paperbook of the Writ Petition being W.P.(C) 9064/2017 and a certified copy of the entire paperbook of the Contempt Case being Cont. Cas.(C) 60/2018 is also filed by the applicant. It is the case of the applicants that the certified copy of the Revocation Deed dated 07.06.2004 was obtained pursuant to the order passed by a Coordinate Bench of this court in the Writ Petition and the Contempt Petition. Hence, it is pleaded that it is necessary to show that these aspects and hence the documents are sought to be placed on record.

11. In my opinion, the documents which are being sought to be placed on record are necessary and material for complete adjudication of the disputes between the parties. That apart, there has been no untold delay in filing of these documents.



12. The application is allowed. The documents are taken on record.

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13. The learned counsel for the petitioner states that he will within six weeks from today file an affidavit by way of evidence of three private witnesses. Needful be done within six weeks.

14. List before the Joint Registrar for fixing dates for cross-examination of the petitioner's witnesses on 07.05.2019.

JAYANT NATH, J.

FEBRUARY 07, 2019/v