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

+ **CS(OS) 741/2025 with I.A. 25853-25855/2025**

MR SYED AZIZ UR RAHMANPlaintiff

Through: Mr. Muhammad Ali Khan,
Ms. Pragya, Mr. Surya Kiran and
Mr. Aviral Jain, Advocates

versus

MRS JASMINE SAINI AND ORSDefendants

Through: Mr. Sanjeev Anand, Senior Advocate
with Mr. Rahav Anand and
Mr. Shubham Kathuria, Advocates for
D-1 to D-3
Mr. S. Wasim A. Qadri, Senior
Advocate with Mr. Saeed Qadri, Mr.
Mohd. Naveed Gaysuddin,
Advocates for D-5, D-8 and D-9
Ms. Rashmi Chopra, Senior Advocate
with Mr. Omar Hoda and Ms. Esha
Bakshi, Advocates for D-7

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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16.10.2025

I.A. 25854/2025 (seeking exemption from filing certified copies)

1. Allowed, subject to the plaintiff filing certified copies of documents within four (4) weeks.
2. Accordingly, the application stands disposed of.

I.A. 25855/2025 (seeking enlargement of time for filing of Court fee)

3. Mr. Muhammad Ali Khan, counsel appearing on behalf of the plaintiff, submits that the requisite court fees shall be paid within two (2) weeks.



4. The aforesaid statement of counsel for the plaintiff is taken on record.
5. Accordingly, the application is disposed of.

CS(OS) 741/2025

6. Let the plaint be registered as a suit.
7. Issue summons.
8. Summons are accepted by counsel appearing on behalf of the defendants no.1, 2, 3, 5, 7, 8 and 9, who waives issuance of formal summons. Let a copy of the complete set of the plaint paperbook be supplied to counsel for the aforesaid defendants by way of email during the course of the day.
9. Summons be issued to the remaining defendants through all permissible modes including email.
10. Written statement(s) shall be filed by the defendants no.1, 2, 3, 5, 7, 8 and 9 within thirty (30) days from today and by the remaining defendants within thirty (30) days from the date of receipt of summons. Along with the written statement(s), the defendants shall also file affidavit(s) of admission/ denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.
11. Liberty is given to the plaintiff to file replication(s), if any, within thirty (30) days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiff, affidavit(s) of admission/ denial of the documents of the defendants be filed by the plaintiff.
12. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
13. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession,



its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

14. List before the Joint Registrar on 16th December, 2025, for completion of service and pleadings.

15. List before the Court on 23rd March, 2026.

I.A. 25853/2025 (under Order XXXIX Rules 1 and 2, CPC)

16. The present suit has been filed seeking declaration, perpetual injunction and rendition of accounts.

17. The plaintiff seeks to declare the following documents as null and void:

- a) Will dated 27th December 2022 executed by Late Syed Habeeb Ur Rehman
- b) Trust Deed dated 12th December 2022 to create defendant no.2 Trust

18. It is submitted on behalf of the plaintiff that CS(OS) 50/2025, which is listed for hearing before this Court today, has been filed by the defendant no.7 herein on the same cause of action.

19. The plaintiff is the brother of Mr. Syed Habeeb Ur Rehman (hereinafter 'deceased'), who passed away on 16th December 2024. The defendants no.7 to 12 are other legal heirs of the deceased.

20. Mr. Muhammad Ali Khan, counsel appearing on behalf of the plaintiff, submits that the Will dated 27th December 2022 in favour of persons not related to the deceased appears to be executed under suspicious circumstances. The Will is against the principles of Muslim personal law, which bar bequeathing of more than one-third share in the estate of any person governed under the Muslim personal law without the consent of the legal heirs of the said person. She submits that more than 90% of the estate of the



deceased has been bequeathed in favour of the defendants no.1, 2, 4, 5, 6 and 7.

21. It is the case of the plaintiff that the defendants no.1 and 3 have been diverting the funds of the deceased to the defendant no.2 Trust. It is also the case of the plaintiff that the defendant no.1 and defendant no.3 are attempting to use defendant no.2 Trust in order to misappropriate the assets of the deceased.

22. Issue Notice.

23. Notice is accepted by counsel appearing on behalf of the defendants no.1, 2, 3, 5, 7, 8 and 9

24. Reply(ies) be filed within four (4) weeks.

25. Rejoinder, thereto, if any, be filed within two (2) weeks thereafter.

26. I have heard submission on behalf of the parties.

27. In light of facts narrated above, a *prima facie* case is made out on behalf of the plaintiff.

28. Balance of convenience also lies in favour of the plaintiff as it is necessary that the estate of the deceased be preserved.

29. Accordingly, *status quo* with regard to all movable and immovable assets of the deceased Syed Habeeb Ur Rehman shall be maintained till the next date of hearing.

30. List before the Joint Registrar on 16th December, 2025, for completion of service and pleadings.

31. List before the Court on 23rd March, 2026.

AMIT BANSAL, J

OCTOBER 16, 2025/ds