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

+ **TEST.CAS. 59/2011**

SHAILESH NIGAM & ORS

..... Petitioners

Through Mr. Prashant Mendiratta, Advocate

versus

STATE & ORS

..... Respondents

Through Mr. Arshdeep Singh and
Mr. Manish Jha, Advocates

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **05.05.2017**

IA No. 5592/2017

1. Issue notice.
2. The learned counsel for the petitioners accepts notice.
3. This is an application filed by respondent No.4 (daughter of the deceased testator, Late Mr Balram Nigam) *inter alia* praying that contents/properties found in Locker No. 400 linked with bank account number 762722779 of Indian Bank, D.B. Gupta Road Branch, 2/7, Desh Bandhu Gupta Road, Paharganj, Delhi- 110055, be protected by restraining the petitioners from selling/ alienating or creating any third party interest with respect to those assets.
4. Briefly stated, the facts are that the petitioners have filed the above captioned petition seeking probate of the Will dated 27.03.2009, allegedly



executed by Late Mr Balram Nigam.

5. Respondent no.2 is the widow of the deceased testator while respondent no.4 (the applicant) is the daughter of the deceased testator. The Will in question is being seriously disputed by the respondents and it is alleged that they have right in the estate of the deceased testator by virtue of being his natural legal heirs. It is not disputed that the locker in question was jointly held by the deceased testator with Ms. Urmila Swarup (sister of the deceased testator) and it is stated that the same has not been operated after the demise of the testator.

6. The learned counsel appearing for the applicant has drawn attention of this Court to the inventory of locker at the time of removal of the seal. The same indicates that apart from currency of ₹1,00,000/- three gold bricks, weighing 3 kgs approximately, were found in the said locker.

7. The learned counsel appearing for the non-applicant (petitioners) states that since locker in question was jointly held by the deceased testator with Smt. Urmila Swarup, the assets found therein belong to Smt. Urmila Swarup. He also states that petitioner No. 3, who is son of Smt. Urmila Swarup, was named as the nominee by the late testator. He also stated that the assets found in the said locker were the property of Smt Urmila Swarup and not the testator.

8. It is apparent from the aforesaid averments that there are contentious issues as to who is the owner of the assets found in the locker; the deceased testator or Smt. Urmila Swarup, as claimed by the petitioners?



9. In view of the disputes, this Court considers it expedient to pass orders to preserve the assets / contents of the locker. It is accordingly directed that the said locker be re-sealed and shall not be operated by either party till further orders. The concerned bank is also directed not to permit operation of the said locker without prior permission of this Court.

10. The application stands disposed of.

11. Copy of order be given *dasti* under the signatures of the Court Master.

VIBHU BAKHRU, J

MAY 05, 2017

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