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

+ **RFA 33/2025**

DR SUSHIL KUMAR NIJHAWAN & ANR.Appellants

Through: Mr. Rajiv Bajaj, Mr. Vidur Marwah
and Ms. Shivani Bardia, Advocates

versus

ANIL KUMAR NIJHAWANRespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **14.01.2025**

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 2094/2025 (exemption)

1. Allowed, subject to all just exceptions.

RFA 33/2025 & CM APPL. 2095/2025 (stay)

2. The appellants have assailed judgment and decree for recovery of possession of the immovable property. The parties are cousins. Both sides have propounded Wills in their respective favour by their grandfather. It is contended on behalf of appellants that the first Will was dated 05.04.1965 in favour of the appellants while the second Will was dated 25.09.1989, allegedly in favour of the respondent. Learned counsel for appellants has taken me through complete record, pointing out that the original Will dated 25.09.1989 never saw light of the day and even the photocopy relied upon did not mention about the earlier Will dated 05.04.1965. These aspects have to be examined in detail with the help of trial court record, so digitized



record of the trial court be requisitioned atleast one week before the next date of hearing and till then, operation of the impugned judgment and decree shall remain stayed.

2. Subject to appellant taking steps within one week, notice through all modes including e-mail be issued to the respondent returnable on 29.05.2025 before Registrar.

GIRISH KATHPALIA, J

JANUARY 14, 2025/rk

Click here to check corrigendum, if any