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

+ **CS(OS) 1809/2011**

SUSHIL NARULA

..... Plaintiff

Through Mr Kislay Komal, Advocate.

versus

VIJAY NARULA & ORS

..... Defendants

Through Mr M.M. Siddiqui, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.02.2017

IA No. 12392/2016

This is an application filed on behalf of the plaintiff, *inter alia*, praying that defendants be restrained from creating any third party rights or interest in the suit property: "Goyala Diary".

The plaintiff has filed the above captioned suit, *inter alia*, seeking partition of the properties belonging to Late Sh Mangat Ram Narula (father of the plaintiff as well as defendant no 1 and 2). Admittedly, Goyala Dairy is one of the assets owned by late Sh Mangat Ram Narula. Defendant No. 2 claims to be the sole legatee of the said property by virtue of a purported will dated 31.05.2007. The said will is the subject matter of challenge in these proceedings. In the circumstances, pending the challenge to the Will and in absence of a probate, defendant No.2 cannot be permitted to deal with the properties of late Sh Mangat Ram Narula to the exclusion of other



natural legal heirs. Accordingly, the present application is allowed and the defendants are restrained from transferring, selling, further encumbering or in any manner alienating the properties, which belonged to late Sh. Mangat Ram Narula.

The application is disposed of.

VIBHU BAKHRU, J

FEBRUARY 27, 2017

pkv