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

+ **CS (OS) 2552/2014, CC 32/2015, I.As. 16062/2014, 3270/2015, 14719/2015, 16251/2015, 21879/2015, 5123/2016, 6219/2016, 14213/2016, 14214/2016, 14579/2017, 14580/2017, 14286/2018 & 3544/2019**

MANJIT SINGH KOCHHAR Plaintiff

Through: Counsel (attendance slip not given)
versus

HARJIT SINGH KOCHHAR & ORS. Defendants

Through: Mr. Siddharth Yadav and Mr. Wasim Ashraf, Advocates for D-1 & 2. (M:9910681789)
Mr. Rikesh Singh, Advocate for HPCL/D-3.
Mr. Manmeet Arora, Mr. Pratyush Sharma and Mr. Keshav Sehgal, Advocates for D-5. (M:9810607224)

AND

+ **TEST.CAS. 57/2014 & I.A.3635/2019**

DRA MOUNTFORD Petitioner

Through: Mr. Siddharth Yadav and Mr. Wasim Ashraf, Advocates.
versus

STATE GOVERNMENT OF NCT OF DELHI

..... Respondent
Through: Mr. Manmeet Arora, Mr. Pratyush Sharma and Mr. Keshav Sehgal, Advocates for D-4.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **09.08.2019**



I.As. 25733/2014, 25734/2014 & 25735/2014 (all for discovery of documents) in TEST.CAS. 57/2014 and CS (OS) 2552/2014

1. These are three applications filed under Order XI Rule 12 CPC seeking discovery of various assets of Late Shri M. S. Kochhar. The present Test. case has been filed under Section 276 of the Indian Succession Act, 1925 seeking grant of letters of administration/probate in respect of the Will dated 27th January, 2014 executed by Late Shri M. S. Kochhar. The Petitioner - DRA Mountford is the executor of the Will and the beneficiary of the Will is Sardar H. S. Kochhar. A perusal of the Will shows that it mentioned a number of movable assets in paragraphs 2 & 3 and other paragraphs of the Will. Various immovable properties have also been mentioned. In view of the large number of assets that have been mentioned in the Will, the Respondents seek discovery of the details of the said assets, which have been bequeathed as per the Will to Sardar Harjit Singh Kochhar.
2. Mr. Yadav, ld. counsel for the Petitioner resists the applications on the ground that vide order dated 13th March, 2019 similar application was dealt with in the civil suit filed for partition between various heirs of Late Shri M. S. Kochhar being CS (OS) 2552/2014.
3. The present Test. case and the suit for partition are being listed together from time to time. If the Will is proved by the Petitioner herein, then the valuation of the assets would be made in terms of the assets disclosed in the Will. The present applications do not relate to valuation of the properties and assets but relate to discovery of the exact details of the movable and immovable assets and list thereof, as allegedly bequeathed in the Will. Ld. counsel appearing for the Petitioner submits that he being the executor does not have details of the said assets as mentioned in the Will.



The admitted position is that Sardar H. S. Kochhar, who is son of deceased testator, is in possession of the movable and immovable assets of deceased.

4. In order to ensure that adjudication of the probate is not delayed any further, it is deemed appropriate to record the statement of Sardar H. S. Kochhar on the next date in order to ascertain as to what are the movable and immovable assets in his possession and power, which he claims to have received under the Will of his father. Directions, if any, to be passed in the I.As. shall be considered on the next date after statement of Sardar H. S. Kochhar is recorded. Sardar H. S. Kochhar to appear before the Court on the next date.

5. List on 9th October, 2019 at 2:15 pm.

PRATHIBA M. SINGH, J.

AUGUST 09, 2019/dk