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

+ **TEST.CAS. 92/2014**

**INTERNATIONAL SOCIETY FOR KRISHNA
CONSCIOUSNESS ,ISKCON TEMPLE**

..... Petitioner

Through: Mr. Sudarshan Rajan and Mr.
Ghanshyam Bhati, Advocates.
(M:9650075050)

versus

STATE AND OTHERS

..... Respondents

Through: Mr. Apoorv Khatar, Advocate for R-
8. (M:8802342444)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **08.01.2019**

Most of the Respondents have been served in this matter i.e. Respondent Nos.1, 2, 4 to 9, 13 to 15, 19 & 20. Insofar as Respondent Nos.10 to 12 are concerned, the caretaker informed that the house is empty.

Considering that despite service none is appearing for the Respondents, before hearing this matter further, the Court wishes to ascertain the physical status of the property i.e. F-10, East of Kailash, New Delhi. Accordingly, **Mr. Pratishth Kaushal, Advocate (M:9599215079)**, who is present in Court, is appointed as the Local Commissioner. The Local Commissioner shall visit the said property in order to ascertain the following—

- a) The extent of construction in the property;
- b) Who is in possession of the various portions of the property;
- c) Whether there is any caretaker, and as to who appointed the said



caretaker;

d) Whether any of the Respondents visit the suit property.

Photographs of the property may also be taken by the Local Commissioner. In the execution of such commission, the Local Commissioner is empowered to seek the assistance of the SHO of the area concerned, if required. The SHO of the concerned police station shall render all assistance if a request in that regard is made by the Local Commissioner. The Commission shall be executed on or before 20th January 2019. The Local Commissioner to inform the date and time of execution of the Commission, to the parties, through the counsels appearing today.

A detailed report be submitted by the Local Commissioner within two weeks. The fee of the Local Commissioner is fixed at Rs.20,000/- to be paid by the Petitioner.

At this stage, Mr. Apoorv Khatar, learned counsel for Respondent No.8 has put in appearance and given his written submissions.

The following issues are framed in the matter.

- 1) Whether the Will dated 11th September, 2000 executed by Late Shri Shanti Swaroop Gupta is valid and genuine? OPP
- 2) Whether the Petitioner - International Society for Krishna Consciousness, ISKCON Temple is entitled to grant of the letters of administration in respect of the said Will? OPP
- 3) Whether the petition is time barred? OPD
- 4) Relief.

No other issues are pressed. List of witnesses be filed within four weeks. Evidence by way of affidavits be filed by the Petitioner within six weeks.



List before the Joint Registrar on 25th February, 2019. The Petitioner is permitted to take steps for summoning any witnesses in order to prove the Will.

I.A. 19564/2014 (u/O XXXIX Rules 1 & 2 CPC)

Status quo in respect of title, possession and construction in respect of property bearing No.F-10, East of Kailash, New Delhi shall be maintained during the pendency of the matter.

I.A. is disposed of.

PRATHIBA M. SINGH, J.

JANUARY 08, 2019/dk