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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1155/2015 and I.A. 8755/2015, 1104/2017, 16787/2018,**
5052/2019, 4152/2024

SURRINDERJEET SINGH AHLUWALIA & ANR..... Plaintiffs

Through: Mr. Chetan Lokur & Mr. Vaibhav
Kaul, Advs. (M- 7433052266)

versus

JITENDARJIT SINGH AHLUWALIA & ANR Defendants

Through: Mr. Aseem Chaturvedi & Ms.
Phalguni Nigam, Advocates for D-1
(M- 98731 22789)

Ms. Kanika Agnihotri and Mr.
Sachin Sharma, Advocates for D-2
(M: 9310225726).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **21.02.2024**

1. This hearing has been done through hybrid mode.
2. This is a suit for partition where the Plaintiffs are two brothers who have filed the suit against their siblings i.e. one brother and one sister, who are the Defendants. The property in question is a DDA Flat No. 50C (second floor) in Block B of Gangotri Enclave, Alaknanda, New Delhi-110019. The case of the Plaintiffs is that the issues have been framed in the matter and evidence has commenced.
3. After perusing the Defendants' written statements, this would be a fit case for passing a decree under Order XXII Rule 6 CPC. However, the Defendants have filed two applications. One under Order VIII Rule 1 CPC read with Section 151 being **I.A.4152/2024** for considering the application **I.A.16787/2018** filed seeking to place on record a purported Will dated 20th



September, 2009 which is stated to have been executed by the Testatrix - Mrs. Mohini Ahluwalia.

4. According to the Defendants, the said Will, though unregistered, bequeathed the said suit property in favour of Defendant No.1.

5. According to the Plaintiffs this Will is a forged and fabricated document as the case of the Defendant No. 1 in the written statement is that the property has been purchased by him under an oral agreement to sell.

6. Considering the nature of the dispute, it is deemed appropriate to direct Mr. Raj K. Singh (Address: C-81 FF, Malviya Nagar, New Delhi-110017) and Mr. Kapil Modi (Address: 15, Friends Colony (West), New Delhi-110065) who have signed as witnesses, to appear before the Court on the next date of hearing.

7. Since the Defendants are relying upon the said Will, it would be their obligation to produce the alleged witnesses to the Will so that their statements can be recorded in order to ascertain whether the said Will ought to be even taken on record or not.

8. List on 14th May, 2024 on top of the board.

PRATHIBA M. SINGH, J.

FEBRUARY 21, 2024

Rahul/bh