



\$~41 & 42

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

+ CS(OS) 557/2016

MS SITA SINGH ALIAS SITA JACQUELINE ALICE ALBA  
SINGH OF SARILA ALIAS SITA DE SARILA .....Plaintiff

Through: Mr. Avneesh Garg and Ms. Iptisha,  
Advocates.

versus

SAMAR SINGH SARILA & ANR .....Defendants

Through: Mr. Vivek Singh, Ms. Kirti Mewar,  
Advocates

+ TEST.CAS. 35/2014

RAJA BAHADUR SAMAR SINGH SARILA

.....Petitioner

Through: Mr. Vivek Singh and Ms. Kirti  
Mewar, Advocates

versus

STATE & ANR

.....Respondent

Through: Mr. Avneesh Garg and Ms. Iptisha,  
Advocates for D-2.

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

% **28.02.2025**

**REVIEW PET. 102/2025 in CS(OS) 557/2016**

**REVIEW PET. 103/2025 in TEST.CAS. 35/2014**

1. The present Review Petitions under Section 114 of CPC have been filed on behalf of the Plaintiff in CS(OS) 557/2016 and Respondent No.2 in TEST.CAS. 35/2014 respectively seeking review and recall of the Order dated 16.01.2025 passed by this Court.

*REVIEW PET. 102/2025 etc.*

*Page 1 of 3*



2. It is the case of the Plaintiff that the Order dated 16.01.2025 has been passed without taken into account the Order dated 27.11.2017 wherein the following issues were framed by this Court:

**“CS(OS) 557/2016**

*(i) Whether Late Sh. Narendra Singh Sarila executed a valid and legal last Will and testament dated 24.09.2009. If so, its effect? OPP*

*(ii) Whether the document dated 23.08.2000 executed by plaintiff, accepting a sum of FF 8,00,000 (French Franc) from Late Sh. Narendra Singh Sarila as full and final settlement of all her share in the inheritance is not a valid and binding document. If so, its effect? OPP*

*(iii) Whether the plaintiff is entitled for rendition of accounts? OPP*

*(iv) To what share, if any, the plaintiff is entitled to in the suit properties? OPP*

*(v) In case, this Court hold that the defendant No. 1 is entitled to probate of the Will dated 24.09.2009, whether the case of the defendant No. 1 would be barred in view of the Certificate of Inheritance dated 14.08.2012 issued by the competent Court of Switzerland (and as upheld by the concerned Appellate Court at Switzerland vide order dated 01.02.2013) declaring the plaintiff, defendants No.1 and 2, all three, as legal heirs of the deceased Sh. Narendra Singh Sarila? OPP.*

*(vi) Relief*

**TEST.CAS. 35/2014**

*(i) Whether the Will dated 24.09.2009 is a valid and*



*legal last Will and testament of Late Sh. Narendra Singh Sarila? OPP*

*(ii) Whether the Petitioner is entitled to letter of Administration with Will annexed as prayed for in the petition? OPP*

*(iii) Whether the present probate petition is liable to be dismissed for want of compliance of Section 281 of the Indian Succession Act, 1925? OPD*

*(iv) Relief?"*

3. It is stated that two of the above issues concern with the validity of the Will dated 24.09.2009. It is stated in the petitions that, in the interest of justice, it would be expedient that the trial in both the suit and the testamentary case go on simultaneously.

4. Though the learned Counsel for the Defendants has objections to the Order dated 16.01.2025 being recalled, however, in the interest of justice, this Court finds that the trial in both the suit and the testamentary case should go on simultaneously. Let the trial in both the suit and the testamentary case go on simultaneously. The evidence of both the suit and the testamentary case be kept in separate folders.

5. The Order dated 16.01.2025 is recalled.

6. The Review Petitions are disposed of.

**SUBRAMONIUM PRASAD, J**

**FEBRUARY 28, 2025**

*S. Zakir*