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

+ RFA 983/2018

HARMINDER SINGH BAKSHI

..... Appellant

Through : Mr.Peyoosh Kalra, Ms.Sudhindra  
Tripathi, Mr.L.S.Aimol, Advocates.

versus

SIRJAN PAL SINGH

..... Respondent

Through : Mr.Amit Bhatia, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE YOGESH KHANNA**

**ORDER**

% **19.09.2019**

This appeal challenges the impugned judgment dated 07.09.2018 whereby the suit for possession, recovery of mesne profit/damages for unauthorised use and occupation and for permanent injunction filed by the appellant was decreed.

The brief facts of the case are the property bearing no. WZ - 620, Gali no.19, Shiv Nagar Extn., Jail Road, New Delhi admeasuring 200 square yards originally belonged to one late Smt.Sujan Kaur who allegedly died intestate on 16.10.1997.

However the case of the respondent is she left behind a Will dated 22.01.1996 and a petition for obtaining letter of administration was filed by Sh. Prehlad Singh Bakshi, her husband. In the said petition no.129/2005, the Court though held the Will dated 12.01.1996 to be valid and genuine Will of late Smt.Sujan Kaur but since the property was sold during the pendency of petition, the

petition was dismissed on 01.10.2016. An FAO 593/2016 against the impugned order 01.10.2016 is filed and is pending before the Roster Bench.

On the other hand a suit for partition No.29/2005 was filed by the appellant herein against his father which was also dismissed on the ground the father had executed a Will dated 13.05.2004 in favour of his grand children wherein he claimed to be an owner and this appellant and his wife became attesting witnesses to Will dated 13.05.2004; later though the father had revoked the said Will dated 13.05.2004. The suit for partition was also dismissed considering the Will dated 12.01.1996 as a valid and genuine Will of late Smt.Sujan Kaur and the Court also relied upon the Will dated 13.05.2004 of the father which the appellant had attested.

The father later filed a suit for possession against his son, the appellant herein and during the pendency of the suit the property was sold to one Mr.Sirjan Pal Singh viz. the respondent herein and the said suit was decreed vide the impugned judgment.

Since the fate of this appeal as also of RFA 13/2008 depends upon the decision in FAO 593/2016 listed on 18.11.2019 hence it would be appropriate to list this appeal after 18.11.2019.

In the circumstances list on 29.11.2019.

**YOGESH KHANNA, J.**

**SEPTEMBER 19, 2019**

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