

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35283 of 2016

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to direct respondents Nos.2 to 4 to recover the forged will dated 23.2.2006 taken away from the Court and to deposit the same with the Court and also to direct the 5th respondent to report the progress of the investigation.

2. Heard and perused the material available on record.

3. It is stated in the affidavit that late Joseph Philip Christie during his life time entered into a Development Agreement-cum-General Power of Attorney with the 6th respondent on 19.8.2005 under registered document No.1357 of 2005. Subsequently, as the builder delayed to complete the project within the stipulated time, the petitioner got issued a cancellation notice and cancelled the said agreement on 19.8.2005. The petitioner filed a suit seeking restraint on changing the nature of the property and on alienation of the said property and in the said suit, the Civil Court granted status quo. On 24.8.2015, the 6th respondent filed a suit on the basis of a forged will dated 23.2.2006. When the petitioner filed criminal complaints against the 6th respondent, he withdrew the suit and knocked away the will from the Court.

4. Considering the facts and circumstances of the case and the grievance of the petitioner and the submissions made by the learned Counsel for the petitioner, without expressing any opinion on merits, the respondents Nos.2 to 5 are directed to proceed with the investigation in

FIR No.19 of 2016 and file a final report as expeditiously as possible, in accordance with law.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 20th October, 2016
Nn



HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.35383 of 2016

Date: 20th October, 2016

Nn