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

+ **CM (M) 874/2018 & CM APPL. 30851/2018**

BMN SAIGAL & ANR Petitioners

Through: Mr. Jagdeep Anand and Mr. Varun
Kapoor, Advocates. (M: 9810705763)

versus

SUBHASH DEVI & ORS Respondents

Through: Mr. M.L. Sharma, Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **06.02.2020**

1. Ld. counsel for the Petitioners submits that he does not press this petition as the cross-examination, on the basis of the documents filed by the Respondents, has already been conducted.
2. Respondent No.1, who was initially appearing in-person through her husband and thereafter, through her counsel, submits that the Petitioners have relied upon a will of Smt. Bhagwanti Devi dated 22nd February, 1978, the sale deed dated 12th March, 1964, a GPA and an affidavit which, despite repeated notices and directions, are not being produced before the Trial Court.
3. Ld. counsel for the Petitioners submits that during cross-examination recorded by this Court on 5th March, 2015, the original will and sale deed were produced and the same were seen and returned. On the said date, Petitioner No.1 had made a statement to the following effect:

"I have brought the original of the Will of Smt. Bhagwanti Devi dated 22.02.1978 in terms of the

directions of the Court and also the original sale deed dated 12.03.1964 executed by vendors jointly in favour of Smt. Bhagwanti Devi widow of Sh. Durga Das (Original Seen and Return). I do not have the original of GPA executed by the plaintiff in favour of defendant no.6. It is incorrect to suggest that document on which I am claiming title of the suit property is false and fabricated. It is incorrect to suggest that the document on the basis of which my title documents have been executed are also false forged and fabricated. It is incorrect to suggest that I am deposing falsely.”

4. Ld. counsel for Respondent No.1 thereafter submits that an application has been moved by him seeking production of these documents. Ld. counsel for the Petitioners undertakes that if the Trial Court directs production of the Will and the sale deed, the same shall be complied with. Insofar as the GPA and affidavit are concerned, Petitioner No.1 has stated that the said documents are not in his possession. Accordingly, inference to the said effect shall be drawn by the Trial Court at the appropriate stage.
5. Let the *vakalatnama* in favour of the Petitioners' counsel, who is appearing today, be filed within two weeks. Registry to put up a note if the same is not filed within a month.
6. With these observations, the petition and all pending applications are disposed of.

PRATHIBA M. SINGH, J.

FEBRUARY 06, 2020

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