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

% ***Date of decision: 18th October, 2023***

+ **MAT.APP.(F.C.) 308/2023, CM APPL.54358/2023**

HARPAL SINGH

..... Appellant

Through: Mr. Lal Singh Thakur, Advocate with
appellant through Video
Conferencing.

versus

MAYA DEVI & ORS.

..... Respondents

Through: Ms. Vaishali Gupta Panel Counsel,
GNCTD with Mr. Apoorv Upmanyu,
Advocate for R-3.
Learned Counsel for R-4 (appearance
not given).

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

CM APPL. 54357/2023 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

MAT.APP.(F.C.) 308/2023

3. The present appeal under Section 19 of the Family Courts Act, 1984 has been filed against the impugned Order dated 25.09.2023 passed in Suit No.142/23 by the learned Judge, Family Court, Dwarka, New Delhi with the following prayer :



- “a. Call for the trial court record;
b. Set-aside the impugned order/ judgment dated 25.09.2023 passed by the Court of Sh. Vipin Kumar Rai, Ld. Judge Family Courts, Dwarka Courts, New Delhi in Civil Suit No.142/2023 having title Harpal Singh Versus Maya Devi & Ors., in the interest of justice.
c. Restrain the Respondents, their legal heirs and Respondents' s family members, Associates, Successor and any other person on behalf of the Respondents from creating any kind of in cumbrance in the performance of the peaceful last Rites of the Appellant.
d. Direct the respondent no. 1 to provide protection to son of the petitioner namely Master Samrat Singh from Respondent No. 1 & 2 at the time of performing last rites of petitioner.
e. Restrain the respondents not to participate or touch the dead body of the Appellant and also not interfere in the last rites performance, done by Master Samrat in any manner.”*

4. Learned Counsel for the petitioner submits that the Will has already been executed in favour of Master Samrat son of the appellant from live-in relationship. A prayer is made by way of this Appeal that at the time of death of the appellant, his wife i.e. the respondent and her associates may be restrained from creating any kind of encumbrance in the performance of his peaceful last Rites.
5. However, at the time of the death of the appellant, the Executor of the Will may take requisite steps to prevent any ruckus from the family of the respondent/ wife, in terms of the Will and no Orders are required to be made in this regard.
6. We find that there is no cause of action disclosed in the suit and has



2023:DHC:7756-DB



been rightly dismissed.

7. We find no merit in the Appeal which is hereby dismissed along with the pending application.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

OCTOBER 18, 2023
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