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

+ **W.P.(C) 2301/2023**

**INDIRA KOHLI OBEROI**

.....Petitioner

Through: **Mr. P.N. Gautam and Mr. Shivam  
Ujjainwal, Advocates.**

versus

**UNION OF INDIA & ORS.**

.....Respondents

Through: **Mr. Atul Georgia, SPP with  
Mr. Shubham Goyal, Advocate for  
CBI.  
Mr. Nitinja Chaudhry, SPC with  
Mr. Abhishek Singh, GP with  
Mr. Rahul Mourya, Advocate for  
UOI.  
Ms. Hetu Arora Sethi, ASC, GNCTD.**

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

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**05.09.2024**

1. Ms. Indira Kohli Oberoi, the Petitioner, asserts that her father late Adm. (Rtd.) Sourendra Nath Kohli (PVSM), who passed away on 21<sup>st</sup> January, 1997 registered a Will between April to August 1995 with Sub-Registrar Office-V, Kalkaji. In order to access the said Will, she applied for inspection of the record, at Sub-Registrar Office-V (Respondent No.2) but was apprised that the records pertaining to year 1995 had been seized by Central Bureau of Investigation (Respondent No.3).<sup>1</sup> Thereafter, the Petitioner filed multiple RTI applications, under the Right to Information



Act, 2005, before the office of Respondent No.2 as well as Respondent No.3 seeking information relating to the whereabouts of the Will. However, the same did not bear any fruitful results. The RTI proceedings with respect to Respondent No.2 finally resulted in second appeal before the Central Information Commissioner,<sup>2</sup> who through the decision dated 7<sup>th</sup> March, 2022, observed as under:

*“At the outset, Commission, after perusal of case records and submission made during hearing, expresses serious displeasure over the conduct of then PIO, O/o. SDM (Kalkaji), GNCTD, in failing to forward the instant RTI Application to the concerned Respondent Authority as per Section 6(3). In view of that, the then PIO are hereby directed to file a written explanation justifying the said conduct, failing which an action under Section 20(1) and 20(2) of the RTI Act will be initiated against him/her, if necessary. The concerned PIO is further directed to send copy of supporting documents on which he relies upon in his submission as well as copy of reply sent on the RTI Application, if any. In doing so, if any other persons are also responsible for the said conduct, the then PIO shall serve a copy of this order on such other persons under intimation to the Commission and ensure that written submissions of all such concerned persons are sent to the Commission.*

*The said written submission of the then PIO along with submissions of other concerned persons, if any, should reach the Commission within 30 days from the date of receipt of this order.*

*Furthermore, Commission directs the concerned PIO, O/o. Sub-Registrar - V (Kalkaji), to furnish a copy of their reply, vide letter dated 07.03.2022, to the Appellant, free of cost, via speed-post/registered post, within 15 days from the date of receipt of this order and accordingly, compliance report be sent to the Commission.*

*Now, Commission, after perusal of case records and submission made during hearing, observes that appropriate reply has been furnished to the Appellant by concerned PIO, vide letter dated 07.03.2022. Moreover, Appellant has not availed the opportunity to plead her case/contest PIO's submission. No further action lies.*

*The appeal is disposed of accordingly.”*

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<sup>1</sup> “CBI”

<sup>2</sup> “CIC”



2. In the above background, the Petitioner has filed the instant petition. Upon this Court's direction on 29<sup>th</sup> August, 2023, the office of Sub-Registrar filed their response, wherein they have stated as under:

*"4. That the Petitioner has filed an instant writ petition seeking a direction to the Respondent no. 02 to provide the information of the records of the Will and a certified copy of the said Will registered in the name of Late Adm. Sh. Sourendra Nath Kohli (PVSM), Chief of Naval Staff (Rtd.) within the ambit of the RTI Act, 2005.*

*5. It is submitted that the office of Sub-Registrar-V was able to locate the files and all the documents registered in the office of the Sub-Registrar V (Mehrauli) from the period of 03.04.1995-24.07. 1995. Each of these files/books running into thousand of pages were inspected by the office of Sub-Registrar. However, the Will sought by the Petitioner could not be found. Thereafter, the office of the Sub-Registrar V (Mehrauli) remained closed from 24.07.1995-03.09.1995, hence, no document could have been registered in this office during the said period.*

*6. It is submitted that the Petitioner may provide the Volume and Page number of the Will to enable the answering Respondent to locate the same. Exact details of the registration of a document are always needed for it to be fetched out from the records."*

3. As noted above, Respondent No.2 has located the files and documents registered from 3<sup>rd</sup> April, 1995, to 24<sup>th</sup> July, 1995, which are now available with the Sub-Registrar. However, the Will sought by the Petitioner could not be found in the said record. Additionally, regarding the period from 24<sup>th</sup> July, 1995, to 3<sup>rd</sup> September, 1995, no documents were registered due to the closure of the office of the Sub-Registrar-V during that time.

4. Thus, Respondent No.2 has now confirmed that there is no Will of late Adm. Sourendra Nath Kohli available in the record pertaining to the aforementioned period.

5. Nonetheless, Petitioner remains unconvinced and harbours doubt



regarding the stand of Respondent No. 2 possibly due to the earlier claim made by them that the records had been sent to the CBI. Thus, in the Court's opinion, it is appropriate to grant the Petitioner an opportunity to personally inspect the records.

6. In light of the above, the present writ petition is disposed of with the direction that the Petitioner and her counsel shall be entitled to visit and meet Respondent No.2 on 11<sup>th</sup> September, 2024, for the purpose of inspection of the record. The registers with respect to the aforementioned period shall be presented by the Sub-Registrar for the inspection of the Petitioner and her counsel. In case, the document as sought in the present petition is available, a certified copy of the same shall be supplied to the Petitioner.

7. With the above directions, the petition is disposed of.

**SANJEEV NARULA, J**

**SEPTEMBER 5, 2024**

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