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

+ **TEST.CAS. 24/2023**

DEV NARAIN PASWAN

.....Petitioner

Through: None.

versus

THE STATE OF NCT OF DELHI AND ANR.Respondents

Through: Ms. Pavitra Kaur and Ms. Shreya Mishra, Advocate for State.

Ms. Amita Gupta, Advocate for R-3 and R-4.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

10.10.2025

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1. The present petition has been filed under Section 276 read with Section 278 of the India Succession Act, 1925 for grant of probate and letters of administration in respect of the Will dated 24th July, 2012 executed by Late Smt. Purnima Bhattacharya.

2. In the order passed by this Court on 4th November, 2024, it was recorded that the petitioner shall file the original Will dated 24th July, 2012 within one week.

3. Subsequent orders passed in the petition show that the original Will has not been filed by the petitioner. Ultimately, on 15th May, 2025, the following observations were made by this Court:

“12. The Petitioner was merely a caretaker of the Testatrix and propounding of this Will, which excludes the natural heirs and bequeaths the entire suit property to the caretaker is even otherwise an unnatural request. The role played by Mr. Rahul Gupta and Mr. Ankur Arora in the filing of this petition is also writ large.



13. The matter has been listed several times since 04.11.2024 for production of the original Will and the Petition and Mr. Jay Bhardwaj has been passing the buck.

14. In view of the contradictory statements being made by the Petitioner, his son Mr. Ranjeet Paswan and Mr. Jay Bhardwaj, Advocate with respect to the existence and the custody of the original Will; it is apparent to this Court that neither of the parties are stating the facts truthfully.

15. **In these facts, this Court is of the prima facie opinion that the Will dated 24.07.2012 is not a genuine document and an attempt has been made by the Petitioner along with its Advocate to mislead this Court to believe with respect to the existence of this original document.**

16. In the facts of this case since the original Will has admittedly not been deposited with this Court, the act of forgery has not happened during custodia legis and therefore the bar under Section 215 (l)(b)(ii) of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') is not attracted. Therefore, for this forgery committed outside the Court, a criminal complaint before the police is maintainable.

17. **Accordingly, the Registrar General of this Court is directed to lodge an FIR through the concerned Police Station under appropriate provisions of Bhartiya Nyaya Sanhita, 2023 ('BNS') including under Section 318(2), 336, 338, 340(1), 340(2) of BNS and any other Section, which the Registrar General finds appropriate against the Petitioner. In this complaint the police will specifically examine the role played by Mr. Jay Bhardwaj, Advocate; Mr. Rahul Gupta and Mr. Ankur Arora as well as Mr. Ranjeet Paswan. The Registrar General is directed to take steps forthwith.**

[emphasis supplied]

4. Subsequently, an application, being I.A. 14734/2025, was filed on behalf of Mr. Ankur Arora and Mr. Rahul Gupta, who entered into an Agreement to Sell dated 2nd April, 2023 with the petitioner seeking recall/ modification/ clarification of the aforesaid order dated 15th May, 2025. However, I.A. 14734/2025 was dismissed as withdrawn on 17th September, 2025.

5. None has been appearing on behalf of the petitioner after the order was passed by this Court on 15th May, 2025, nor has the original Will been



place on record till date.

6. From the aforesaid narration, it is clear that the petitioner does not have the original Will dated 24th July, 2012 in his possession.

7. In these circumstances, the present petition is dismissed.

AMIT BANSAL, J

OCTOBER 10, 2025

Vivek/-