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

+ FAO(OS) 27/2020, CM APPL. 8976/2020 (Dir.), CM APPL. 8977/2020 (Delay of 670 days in filing the appeal) & CM APPL. 8980/2020 (Dir.)

VINEET TIWARI

.....Appellant

Through: Mr. Ankit Jain, Senior Advocate with Mr. Bhavya Sethi, Mr. Shiven Khurana and Mr. Eish Kesarwani, Advocates.

versus

STATE OF NCT DELHI & ORS

.....Respondents

Through: Mr. Abhishek Kumar Rao, Mr. Shailesh Suman, Advocates for Respondent No. 2 along with Respondent No. 2 in person (Ms. Kiran Abnashi Chawla)

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

25.09.2025

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1. The present Appeal has been filed under Section 10(1) of the Delhi High Court Act, 1966, challenging the final order dated 13.03.2018 passed by the learned Single Judge in TEST CAS. No. 84 of 2014.

2. The Appellant herein was not a party to either the Probate Petition or the Civil Suit, both of which were disposed of in terms of settlement. The operative part of the order passed by the learned Single Judge on 13.03.2018 reads as follows :-



“ In the circumstances, the Probate Case No.84/2014 and CS(OS) No.2951/2014 are disposed of in terms of Ex.C1, more specifically in terms of clauses No.(i) to (vi) of settlement dated 03.03.2018. The amount of ₹ 13.00 Crores approximately lying deposited with this Court be released with upto date interest in terms of the settlement Ex.C1. Since the matters have been settled between the parties, the Court Fee paid in CS (OS) No.2951/2014 be refunded as per the provisions of the Court Fees Act.

The pending applications also stand disposed of. Decree Sheet be prepared and Ex. C1 shall form part thereof. No order as to cost.

The earlier date fixed in both the matters stands cancelled.”

3. The Appellant is in possession of the lawn and garage of the property left behind by the testator, late Sh. Harinder Pal Singh Chawla. There is a decree for possession in favour of late Sh. Harinder Pal Singh Chawla, which is enforceable against the Appellant. Execution proceedings in respect of the aforesaid decree are currently pending.

4. Yesterday, learned counsel appearing for the Appellant submitted that the learned Single Judge permitted the parties to settle the dispute and pass a decree in terms of the settlement, which itself contradicts the wishes of the testator as expressed in the Will dated 03.11.2013.

5. Today, it has come to light that two proceedings were pending before the learned Single Judge: one being CS(OS) No. 2951/2014 titled “**Marguerite Chawla v. Miss Kiran Abnashi Chawla & Anr.**” and the second being Testament Case No. 84 of 2014 titled “**Kiran Abnashi Chawla & Anr. v. State**”.

6. After having made their submissions at length, learned counsel appearing for the parties are *ad idem* and agree that no order can be passed in Probate Case No. 84/2014 based on the settlement.

7. Accordingly, the order passed by the learned Single Judge is



modified, and it is hereby ordered that CS(OS) No. 2915/2014 shall stand disposed of in terms of the settlement Ex. C1, which shall form part of the decree.

8. Learned counsel appearing for Respondent No. 2 submits that, in fact, Probate Case No. 84/2014 was converted into a Civil Suit, as would be evident from the caption of the decree, which reads as follows:-

“CS(OS) No.198/2018 (converted from Test.Cas.84/2014)”

9. It is, therefore, clarified that the decree passed in terms of the settlement pertains to the Civil Suit and not the Probate Petition.

10. With these observations, the present Appeal, along with any pending application(s), if any, stands disposed of.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 25, 2025/nd/ds