



2025:DHC:8122-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 27.08.2025

Judgment pronounced on: 16.09.2025

+ LPA 209/2021, CM APPL. 21916/2021, CM APPL. 27399/2021 & CM APPL. 39753/2022

SMT UMA DEVI

.....Appellant

Through: Mr. Trideep Pais, Senior Advocate along with Mr. B. Shravanth Shanker, Advocate.

versus

SATULA DEVI & ORS.

.....Respondents

Through: Mr. Vikas Singh, Senior Advocate with Mr. Varun Singh, Ms. Alankriti Dwivedi, Ms. Deepeika Kalia, Mr. Sudeep Chandra & Ms. Bhumi Sharma, Advocates for R-2A.

Mr. Sandeep Sethi, Senior Advocate along with Mr. D. Abhinav Rao & Ms. Richa Khare, Advocates for R-4.

Mr. K.K. Rai, Senior Advocate with Mr. Anshul Rai, Mr. S.K. Pandey, Mr. Awanish Kumar, Mr. Chandrashekhar A. Chakalabbi, Ms. Sreoshi Chatterjee, Ms. Basabi Pandey & Ms. Mallika Ranjan, Advocates for Respondents (Aditya Sharma & Akshunya Sharma).



2025:DHC:8122-DB



Mr. Tushar Sannu, Senior Advocate for GNCTD with Mr. Parvin Bansal, Advocate.

+ LPA 219/2021, CM APPL. 23862/2021 & CM APPL. 37152/2022

SMT KANCHANA RAI

.....Appellant

Through: Mr. Sandeep Sethi, Senior Advocate along with Mr. D. Abhinav Rao & Ms. Richa Khare, Advocates.

versus

SATULA DEVI & ORS.

....Respondents

Through: Mr. Vikas Singh, Senior Advocate with Mr. Varun Singh, Ms. Alankriti Dwivedi, Ms. Deepeika Kalia, Mr. Sudeep Chandra & Ms. Bhumi Sharma, Advocates for R-2A.

Mr. Trideep Pais, Senior Advocate along with Mr. B. Shravanth Shanker, Advocate for R-4.

Mr. K.K. Rai, Senior Advocate with Mr. Anshul Rai, Mr. S.K. Pandey, Mr. Awanish Kumar, Mr. Chandrashekhar A. Chakalabbi, Ms. Sreoshi Chatterjee, Ms. Basabi Pandey & Ms. Mallika Ranjan, Advocates for Respondents (Aditya Sharma & Akshunya Sharma).

Mr. Tushar Sannu, Senior Advocate for GNCTD with Mr. Parvin Bansal, Advocate.



2025:DHC:8122-DB



+ LPA 221/2021, CM APPL. 23868/2021 & CM APPL. 37146/2022

UMA DEVI

.....Appellant

Through: Mr. Trideep Pais, Senior Advocate along with Mr. B. Shravanth Shanker, Advocate.

versus

SATULA DEVI & ORS.

.....Respondents

Through: Mr. Vikas Singh, Senior Advocate with Mr. Varun Singh, Ms. Alankriti Dwivedi, Ms. Deepeika Kalia, Mr. Sudeep Chandra & Ms. Bhumi Sharma, Advocates for R-2A.

Mr. Sandeep Sethi, Senior Advocate along with Mr. D. Abhinav Rao & Ms. Richa Khare, Advocates for R-4.

Mr. K.K. Rai, Senior Advocate with Mr. Anshul Rai, Mr. S.K. Pandey, Mr. Awanish Kumar, Mr. Chandrashekhar A. Chakalabbi, Ms. Sreoshi Chatterjee, Ms. Basabi Pandey & Ms. Mallika Ranjan, Advocates for Respondents (Aditya Sharma & Akshunya Sharma).

+ LPA 223/2021, CM APPL. 24189/2021 & CM APPL. 37149/2022

SMT UMA DEVI

.....Appellant

Through: Mr. Trideep Pais, Senior Advocate along with Mr. B. Shravanth Shanker, Advocate.



2025:DHC:8122-DB



versus

SATULA DEVI & ORS.

.....Respondents

Through: Mr. Vikas Singh, Senior Advocate with Mr. Varun Singh, Ms. Alankriti Dwivedi, Ms. Deepeika Kalia, Mr. Sudeep Chandra & Ms. Bhumi Sharma, Advocates for R-2A.

Mr. Sandeep Sethi, Senior Advocate along with Mr. D. Abhinav Rao & Ms. Richa Khare, Advocates for R-4.

Mr. K.K. Rai, Senior Advocate with Mr. Anshul Rai, Mr. S.K. Pandey, Mr. Awanish Kumar, Mr. Chandrashekhar A. Chakalabbi, Ms. Sreoshi Chatterjee, Ms. Basabi Pandey & Ms. Mallika Ranjan, Advocates for Respondents (Aditya Sharma & Akshunya Sharma).

+ LPA 224/2021, CM APPL. 24194/2021 & CM APPL. 37147/2022

SMT UMA DEVI

.....Appellant

Through: Mr. Trideep Pais, Senior Advocate along with Mr. B. Shravanth Shanker, Advocate.

versus

SATULA DEVI & ORS.

....Respondents

Through: Mr. Vikas Singh, Senior Advocate with Mr. Varun Singh, Ms. Alankriti Dwivedi, Ms. Deepeika Kalia,



2025:DHC:8122-DB



Mr. Sudeep Chandra &
Ms. Bhumi Sharma, Advocates
for R-2A.

Mr. Sandeep Sethi, Senior
Advocate along with Mr. D.
Abhinav Rao &
Ms. Richa Khare, Advocates
for R-4.

Mr. K.K. Rai, Senior Advocate
with Mr. Anshul Rai, Mr. S.K.
Pandey, Mr. Awanish Kumar,
Mr. Chandrashekhar A.
Chakalabbi, Ms. Sreoshi
Chatterjee, Ms. Basabi Pandey
& Ms. Mallika Ranjan,
Advocates for Respondents
(Aditya Sharma & Akshunya
Sharma).

Mr. Tushar Sannu, Senior
Advocate for GNCTD with Mr.
Parvin Bansal, Advocate.

+ LPA 429/2021, CM APPL. 40052/2021 & CM APPL.
37150/2022
UMA DEVI

.....Appellant

Through: Mr. Trideep Pais, Senior
Advocate along with
Mr. B. Shravanth Shanker,
Advocate.

versus

SATULA DEVI & ORS.

.....Respondents

Through: Mr. Vikas Singh, Senior
Advocate with Mr. Varun
Singh, Ms. Alankriti Dwivedi,
Ms. Deepeika Kalia,
Mr. Sudeep Chandra &
Ms. Bhumi Sharma, Advocates
for R-2A.



2025:DHC:8122-DB



Mr. Sandeep Sethi, Senior Advocate along with Mr. D. Abhinav Rao & Ms. Richa Khare, Advocates for R-4.

Mr. K.K. Rai, Senior Advocate with Mr. Anshul Rai, Mr. S.K. Pandey, Mr. Awanish Kumar, Mr. Chandrashekhar A. Chakalabbi, Ms. Sreoshi Chatterjee, Ms. Basabi Pandey & Ms. Mallika Ranjan, Advocates for Respondents (Aditya Sharma & Akshunya Sharma).

Mr. Tushar Sannu, Senior Advocate for GNCTD with Mr. Parvin Bansal, Advocate.

+ LPA 430/2021, CM APPL. 40060/2021, CM APPL. 37151/2022, CM APPL. 44696/2022 & CM APPL. 5189/2023
KANCHANA RAIAppellant

Through: Mr. Sandeep Sethi, Senior Advocate along with Mr. D. Abhinav Rao & Ms. Richa Khare, Advocates.

versus

SATULA DEVI & ORS.Respondents

Through: Mr. Vikas Singh, Senior Advocate with Mr. Varun Singh, Ms. Alankriti Dwivedi, Ms. Deepeika Kalia, Mr. Sudeep Chandra & Ms. Bhumi Sharma, Advocates for R-2A.

Mr. Trideep Pais, Senior Advocate along with Mr. B. Shravanth Shanker, Advocate for R-4.



2025:DHC:8122-DB



Mr. K.K. Rai, Senior Advocate with Mr. Anshul Rai, Mr. S.K. Pandey, Mr. Awanish Kumar, Mr. Chandrashekhar A. Chakalabbi, Ms. Sreoshi Chatterjee, Ms. Basabi Pandey & Ms. Mallika Ranjan, Advocates for Respondents (Aditya Sharma & Akshunya Sharma).

Mr. Tushar Sannu, Senior Advocate for GNCTD with Mr. Parvin Bansal, Advocate.

+ LPA 432/2021, CM APPL. 40163/2021, CM APPL. 40164/2021 & CM APPL. 37143/2022

UMESH SHARMA

.....Appellant

Through: Mr. Sandeep Sethi, Senior Advocate along with Mr. D. Abhinav Rao & Ms. Richa Khare, Advocates.

versus

SATULA DEVI & ORS.

.....Respondents

Through: Mr. Vikas Singh, Senior Advocate with Mr. Varun Singh, Ms. Alankriti Dwivedi, Ms. Deepeika Kalia, Mr. Sudeep Chandra & Ms. Bhumi Sharma, Advocates for R-2A.

Mr. Trideep Pais, Senior Advocate along with Mr. B. Shravanth Shanker, Advocate for R-4.

Mr. K.K. Rai, Senior Advocate with Mr. Anshul Rai, Mr. S.K. Pandey, Mr. Awanish Kumar, Mr. Chandrashekhar A. Chakalabbi, Ms. Sreoshi



2025:DHC:8122-DB



Chatterjee, Ms. Basabi Pandey
& Ms. Mallika Ranjan,
Advocates for Respondents
(Aditya Sharma & Akshunya
Sharma).

Mr. Tushar Sannu, Senior
Advocate for GNCTD with Mr.
Parvin Bansal, Advocate.

+ LPA 475/2021, CAV 92/2021, CM APPL. 45248/2021 & CM
APPL. 45251/2021

SATULA DEVI

.....Appellant

Through: Mr. Vikas Singh, Senior
Advocate with Mr. Varun
Singh, Ms. Deepieka Kalia,
Ms. Somesa Gupta, Ms. Kajal
S. Gupta and Ms. Alankriti
Dwivedi, Advocates.

versus

UMESH SHARMA & ORS.

.....Respondents

Through: Mr. Trideep Pais, Senior
Advocate along with
Mr. B. Shravanth Shanker,
Advocate for R-2.

Mr. Vikas Singh, Senior
Advocate with Mr. Varun
Singh, Ms. Alankriti Dwivedi,
Ms. Deepeika Kalia,
Mr. Sudeep Chandra &
Ms. Bhumi Sharma, Advocates
for R-2A.

Mr. Sandeep Sethi, Senior
Advocate along with Mr. D.
Abhinav Rao &
Ms. Richa Khare, Advocates
for R-3.

Mr. K.K. Rai, Senior Advocate
with Mr. Anshul Rai, Mr. S.K.



2025:DHC:8122-DB



Pandey, Mr. Awanish Kumar,
Mr. Chandrashekhar A.
Chakalabbi, Ms. Sreoshi
Chatterjee, Ms. Basabi Pandey
& Ms. Mallika Ranjan,
Advocates for Respondents
(Aditya Sharma & Akshunya
Sharma).

+ LPA 52/2022, CM APPL. 3472/2022, CM APPL. 3957/2022,
CM APPL. 3959/2022, CM APPL. 25803/2022, CM APPL.
37144/2022, CM APPL. 44692/2022, CM APPL. 46121/2022,
CM APPL. 48928/2024, CM APPL. 52567/2024, CM APPL.
70073/2024 & CM APPL. 22391/2025

KANCHANA RAI

.....Appellant

Through: Mr. Sandeep Sethi, Senior
Advocate along with Mr. D.
Abhinav Rao &
Ms. Richa Khare, Advocates.

versus

SATULA DEVI & ORS.

.....Respondents

Through: Mr. Vikas Singh, Senior
Advocate with Mr. Varun
Singh, Ms. Alankriti Dwivedi,
Ms. Deepeika Kalia,
Mr. Sudeep Chandra &
Ms. Bhumi Sharma, Advocates
for R-2A.

Mr. Trideep Pais, Senior
Advocate along with
Mr. B. Shravanth Shanker,
Advocate for R-4.

Mr. K.K. Rai, Senior Advocate
with Mr. Anshul Rai, Mr. S.K.
Pandey, Mr. Awanish Kumar,
Mr. Chandrashekhar A.
Chakalabbi, Ms. Sreoshi
Chatterjee, Ms. Basabi Pandey
& Ms. Mallika Ranjan,



2025:DHC:8122-DB



Advocates for Respondents
(Aditya Sharma & Akshunya
Sharma).

Mr. Parag Tripathi, Senior
Advocate with Mr. Rishi
Agarwal, Mr. Pratham Vir
Agarwal, Mr. Nilay Gupta,
Ms. Aparjito Sen and Ms.
Chanan Parwani, Advocates for
applicants in CM
APPL.3957/2022.

+ LPA 464/2022, CM APPL. 34712/2022, CM APPL.
40926/2022, CM APPL. 44690/2022 & CM APPL. 5300/2023
KANCHANA RAIAppellant

Through: Mr. Sandeep Sethi, Senior
Advocate along with Mr. D.
Abhinav Rao &
Ms. Richa Khare, Advocates.

versus

RANJIT SHARMA & ORS.Respondents

Through: Mr. Vikas Singh, Senior
Advocate with Mr. Varun
Singh, Ms. Alankriti Dwivedi,
Ms. Deepeika Kalia,
Mr. Sudeep Chandra &
Ms. Bhumi Sharma, Advocates
for R-2A.

Mr. Trideep Pais, Senior
Advocate along with
Mr. B. Shravanth Shanker,
Advocate for R-3.

Mr. K.K. Rai, Senior Advocate
with Mr. Anshul Rai, Mr. S.K.
Pandey, Mr. Awanish Kumar,
Mr. Chandrashekhar A.
Chakalabbi, Ms. Sreoshi
Chatterjee, Ms. Basabi Pandey
& Ms. Mallika Ranjan,



2025:DHC:8122-DB



Advocates for Respondents
(Aditya Sharma & Akshunya
Sharma).

+ RFA(OS) 10/2023, CM APPL. 24964/2023, CM APPL.
24965/2023, CM APPL. 24966/2023, CM APPL. 43007/2023,
CM APPL. 11217/2024, CM APPL. 27025/2024, CM APPL.
54629/2025

SATULA DEVI THROUGH LEGAL HEIRSAppellant

Through: Mr. Vikas Singh, Sr. Adv. with
Mr. Varun Singh, Ms. Deepeika
Kalia, Ms. Vasudha Singh, Ms.
Bhumi Sharma, Mr. Sudeep
Chandra and Ms. Alankriti
Dwivedi, Advocates.

versus

RAJEEV SHARMA & ORS.

.....Respondents

Through: Mr. Ravi Sharma and Mr.
Anjani Kumar Rai, Advocates
for R-1.

Mr. Sandeep Sethi, Sr. Adv.
with Mr. D. Abhinav Rao and
Ms. Richa Khare, Advocates
for Respondent for R-2.

Mr. Parag P. Tripathi, Sr. Adv.
with Mr. Rishi Agrawala, Mr.
Pratham Vir Agarwal, Mr.
Nilay Gupta, Ms. Chanan
Pawani and Mr. Aparijito Sen,
Advocates for R- 2A and R-2B.

Mr. Trideep Pais, Sr. Adv. with
Mr. B. Shravanth Shanker,
Advocate for R-3/Uma Devi.

Mr. K. K. Rai, Sr. Adv. with
Mr. Anshul Rai, Mr. S.K.
Pandey, Mr. Awanish Kumar,
Mr. Chandrashekhar A.
Chakalabbi, Ms. Sreoshi
Chatterjee, Ms. Basabo Pandey,



2025:DHC:8122-DB



Mr. Aditya Sharma and Mr.
Akshuna Sharma, Advocates.
Mr. Tushar Sannu and Mr.
Parvin Bansal, Advocates for
GNCTD

+ FAO(OS) 38/2024 & CM APPL. 17937/2024

GEETA SHARMA

.....Appellant

Through: Mr. Vikas Singh, Sr. Adv. with
Mr. Varun Singh, Ms. Deepieka
Kalia, Ms. Somesa Gupta, Ms.
Kajal S. Gupta and Ms.
Alankriti Dwivedi, Advocates.

versus

KANCHANA RAI & ORS.

.....Respondents

Through: Mr. Sandeep Sethi, Sr. Adv.
with Mr. D. Abhinav Rao and
Ms. Richa Khare, Advocates
for R-1.
Mr. Trideep Pais, Sr. Adv. with
Mr. B. Shravanth Shanker,
Advocate for R-4.
Mr. Parag P. Tripathi, Sr. Adv.
with Mr. Pratham Vir Agarwal,
Ms. Chanan Parloani & Mr.
Nilay Gupta, Advocates for R-5
& R-6 (Achintya & Aradhya).

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

J U D G M E N T

ANIL KSHETARPAL, J.

LPA 209/2021

LPA 219/2021

LPA 221/2021



2025:DHC:8122-DB



LPA 223/2021
LPA 224/2021
LPA 429/2021
LPA 430/2021
LPA 432/2021
LPA 475/2021
LPA 52/2022
LPA 464/2022
FAO (OS) 38/2024

1. With the consent of learned counsel representing the parties, a batch of Letters Patent Appeals (LPAs), First Appeal against Order (FAO) and Regular First Appeal (RFA), which are connected, shall stand disposed of by this Common Order. A tabular representation of the appeals and the orders against which they arise is presented below:

S. No.	Appeal Nos.	Details of case against which the appeals have been filed	Date of Impugned Order/Judgement
1.	LPA 209/2021 and LPA 219/2021	W.P. (C) 1271/2020 captioned Satula Devi v. GNCTD & Ors.	Order dated 02.06.2021
2.	LPA 221/2021	W.P. (C) 1271/2020 captioned Satula Devi v. GNCD & Ors.	Order dated 23.07.2021
3.	LPA 223/2021	W.P. (C) 1271/2020 captioned Satula Devi v. GNCTD & Ors.	Order dated 19.07.2021
4.	LPA 224/2021	W.P. (C) 1271/2020 captioned Satula Devi v. GNCTD & Ors.	Order dated 04.06.2021



2025:DHC:8122-DB



5.	LPA 429/2021; LPA 430/2021; LPA 432/2021 & LPA 475/2021	W.P. (C) 1271/2020 captioned Satula Devi v. GNCTD & Ors.	Judgement dated 29.10.2021
6.	LPA 52/2022	CM APPL. 697/2022 in W.P.(C) 1271/2020 (disposed of) captioned Satula Devi v. GNCTD & Ors.	Order dated 06.01.2022
7.	LPA 464/2022	CM APPL. 697/2022 in W.P.(C) 1271/2020 (disposed of) captioned Satula Devi v. GNCTD & Ors.	Order dated 11.07.2022
8.	RFA (OS) 10/2023	CS(OS) 203/2022 captioned Smt. Satula Devi v. Mr. Rajeev Sharma & Ors.	Judgment dated 10.04.2023.
9.	FAO (OS) 38/2024	I.A. 12353/2022 in TEST. CAS. 1/2022 captioned Kanchana Rai v. State of NCT of Delhi & Ors.	Judgment dated 20.11.2023

2. The LPAs enlisted under serial nos.1 to 4 have been filed against various interims orders/arrangements made by the learned Single Judge [hereinafter referred to as 'LSJ'] during the pendency of the W.P.(C) 1271/2020 [hereinafter referred to as 'Guardianship Petition']. The LPA listed at serial no.5 has been filed against final judgment passed by the LSJ on 29.10.2021, while the LPAs enlisted under serial nos.6 and 7 challenge the distinct orders passed by the



2025:DHC:8122-DB



LSJ in miscellaneous applications filed post the decision of the Guardianship Petition.

3. RFA (OS) 10/2023 challenges the judgment dated 10.04.2023, whereby the plaint filed by Smt. Satula Devi was rejected in exercise of powers under Order VII Rule 11 of the Code of Civil Procedure, 1908 [hereinafter referred to as 'CPC'] in CS(OS) 203/2022, whereas FAO(OS) 38/2024 has been filed against the Order passed on 20.11.2023 in IA No. 12353/2023 arising from TEST.CAS. 1/2022.

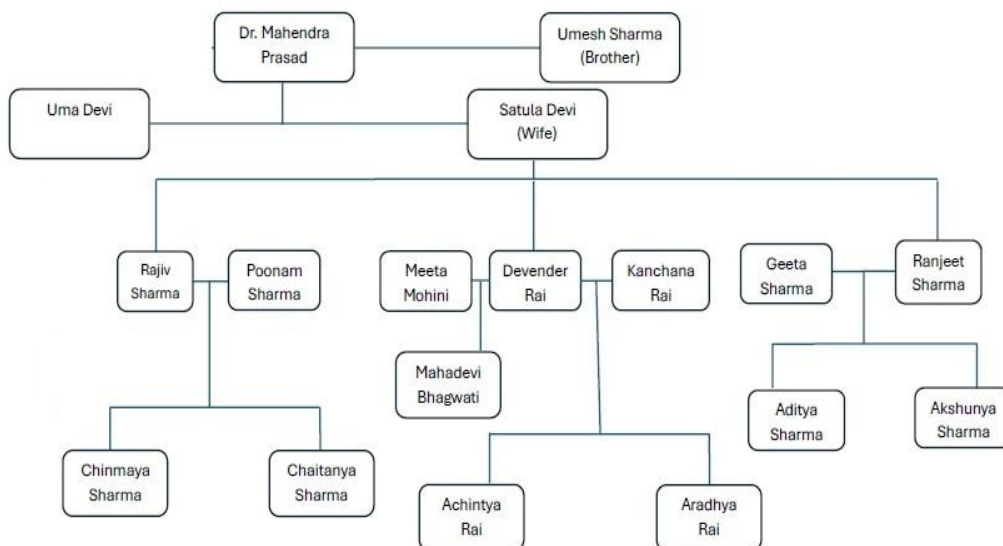
4. By and large, ten LPAs preferred by the concerned parties have been rendered infructuous on account of the subsequent death of late Dr. Mahender Prasad [hereinafter referred to as 'DMP'] on 27.12.2021. Thereafter, a probate petition bearing TEST.CAS. 1/2022 captioned ***Kanchana Rai v State of NCT of Delhi & Ors.*** [hereinafter referred to as 'Probate Petition'], was filed in respect of an alleged registered Will, stated to have been executed by DMP on 18.07.2011, which is currently pending adjudication before the LSJ. Meanwhile, the order passed by the LSJ in I.A. No. 12353/2023 in the Probate Petition has been challenged by Smt. Geeta Sharma by way of FAO (OS) 38/2024, which now is subject matter of decision in the present batch.

5. In a parallel development, the plaint filed by late Smt. Satula Devi in her suit seeking various reliefs including ownership and nullification of the alleged Will, was rejected by the LSJ vide Judgment dated 10.04.2023; which again is a subject matter of RFA(OS) 10/2023 before this bench.



6. A genealogy tree of the family is reproduced in order to comprehend the controversy involved in these cases:

Family Tree of late Dr. Mahendra Prasad



Smt. Uma Devi is stated to have lived as a companion alongside DMP for nearly four to five decades. Late Sh. Devinder Rai was initially married to late Smt. Nita Mohini, but their marriage was dissolved by a decree of divorce, however, out of his first wedlock, one daughter namely Maha Devi Bhagwati was born. Subsequently, late Sh. Devinder Rai married Smt. Kanchana Rai and the couple was blessed with two sons, both of whom are designated beneficiaries under DMP's Will, whereas Smt. Kanchana Rai is appointed as the executor of the Will.

7. The genesis of the litigation arose from W.P.(Crl.) 2255/2019 captioned **R.S. v. State & Ors.** [hereinafter referred to as 'criminal Writ Petition'], a writ of habeas corpus filed by late Sh. Ranjeet Sharma for production of his mother Smt. Satula Devi, who,



2025:DHC:8122-DB



according to him was being illegally confined by DMP, Smt. Uma Devi and others. This petition was disposed of on 20.09.2019.

8. During the pendency of the above-stated writ petition, it was revealed that DMP, who was a Member of Parliament for around 07 terms, had been suffering from “*Frontotemporal Dementia*”. Resultantly, a medical board convened under the Court’s Order confirmed that his condition had significantly deteriorated to the extent that he was no longer capable of managing his own medical or financial affairs. Thereafter, arrangements were made for his medical examination and treatment. Following which, a complaint under Section 102(1)(a) read with Sections 3 and 5 of Mental Healthcare Act, 2017 was filed before the Metropolitan Magistrate which was disposed of.

9. Subsequently, late Smt. Satula Devi filed a Guardianship Petition praying that the Court exercise its *parens patriae* jurisdiction to grant the following reliefs:-

“(a) Pass a writ, order or direction in the nature of Declaration appointing the Petitioner as the sole Legal guardian of Dr. Mahendra Prasad for the purpose of dealing with his medical and mental disability and with regard to all matters relating to his estate including immovable and movable properties, control and management over Bank Accounts, financial affairs, investments such as shares, investments, bonds, public provident fund, salary, pensions etc., on such terms and conditions, if any, that this Hon’ble Court deems appropriate while exercising its *parens patriae* jurisdiction.

(b) Pass a further writ, order or direction in the nature of Mandamus directing the Respondent No.1 and for any such other authority/s as this Hon’ble Court deems appropriate pension or agency to ensure that the Petitioner is facilitated in all respects to effectively discharge her duties as the legal guardian of Dr. Mahendra Prasad and in relation to his properties and financial assets until



2025:DHC:8122-DB



further orders as mandated by Section 13 of the Right of Persons with Disabilities Act, 2016.

(c) *Pass any other order (s) that this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

10. During the pendency of the Guardianship Petition, various interim orders were passed, which are subject matter of the LPAs highlighted under serial nos.1 to 4. The relevant paragraphs of the Impugned Orders dated 02.06.2021 and 19.07.2021 read as under:-

"02.06.2021

11. *After meeting with the parties, some submissions were also made by Id. Sr. Counsels. After hearing parties and also considering the mental and physical condition of the DMP, as also the fact that Mrs. Satula Devi has not met the DMP for a long time, it is directed as under:*

i) Mrs. Satula Devi along with one lady nurse would meet the DMP tomorrow i.e. 3rd June, 2021 at 11:00 a.m. at the residence of the DMP at 4, Safdarjung Lane, New Delhi, 110011. She can spend at least 4 to 5 hours at the residence and it is assured by the Id. Counsel for Mrs. Uma Devi and Ms. Kanchana Rai that her visit would be made comfortable, so that she would be able to meet the DMP in a congenial atmosphere;

ii) Between 11 AM to 4:00 PM, the Court Commissioner may visit the residence of the DMP to submit a report to the Court as to the interaction of the DMP with Mrs. Satula Devi along with a report of today's visit. The Local Commissioner's report be placed before this Bench by email to the Court Master on or before 7:00 p.m. of 3rd June, 2021. The Court commissioner may also be assisted by Mr. Ankit Kumar the assistant Court Master, who had visited the residence of the DMP even today;

iii) Mr. Vikas Singh, Id. Senior Counsel assures the Court that in the proceedings which are listed on 4th June, 2021 before the Id. Single Judge which relates to the cancellation of bail of Ms. Kanchana Rai, an adjournment would be sought;

iv) Id. Counsel for Mrs. Uma Devi shall place on record a complete list of medications being administered currently to the DMP along with the prescriptions thereof. Let the same be filed by 7:00 p.m. on 3rd June, 2021.



2025:DHC:8122-DB



19.07.2021

W.P.(C) 1271/2020

6. The report of the Medical Board as also the report of the Local Commissioner have been received. Mr. Rao, Id. Counsel submits that the accounts in terms of the order dated 4th June, 2021 have been emailed to the Court Master this morning. It is also submitted that the payment in terms of the last order has also been made to Mrs. Satula Devi. Both Dr. Singhvi and Mr. Sethi, Id. Senior Counsels are stated to be unavailable. Considering that this is a part heard matter, it is impressed upon the senior counsels to be available on the next date so that their submissions can be heard and concluded.

7. The Court has perused the report of the Medical Report and would like to interact with the members of the Medical Board. Accordingly, the Registry may inform the members of the Medical Board so they can make it convenient to appear before this Bench on the next date of hearing at 2:15 p.m.

8. Mr. Jethmalani, Id. Senior Counsel submits that since the matter is being adjourned today, the two sons be permitted to meet the DMP i.e. their father also considering his precarious medical condition. Adjournment is being given in this matter due to the non-availability of the two Id. Senior Counsels. The prayer on behalf of the sons to meet the DMP is vehemently objected by Mr. Rao, Id. Counsel who submits that the DMP did not wish to meet the sons at all. Two videos have been played before this Bench which are alleged to have been recorded in February, 2020 and a third video of July, 2019 is being relied upon to insist that the sons ought not be permitted to meet the DMP as he has allegedly disowned them. An application was moved for seeking a meeting between the sons and the DMP. The said application is already withdrawn and since there is no subsisting prayer, no prayer for meeting ought to be granted.

9. Insofar as the videos are concerned, this Bench is of the opinion that the third video i.e. an alleged interview to ANI was prior to the orders passed by the Id. Division Bench. The Id. Division Bench had already recorded the fact that the Medical Board had come to the conclusion that the DMP is suffering from dementia (frontotemporal dementia) vide order dated 20th September, 2019. Subsequent to the said order, making of videos such as those shown to the Court today, which are stated to have been shot by Mrs. Uma Devi wherein prompting questions were asked by Mr. Narayanan, the Secretary raises various ethical and moral issues especially in respect of a person who has already been suffering from mental illness.



2025:DHC:8122-DB



10. Further, this Bench has already interacted with the DMP through the online platform and has also perused the Local Commissioner's report and the Medical Board's report. The circumstances since last year have considerably changed.

11. In this view of the matter, list this matter for conclusion of submissions on behalf of the Respondents, by the Id. Senior Counsels on 23rd July, 2021 at 2:45 p.m. Court Master to generate a separate link in order to enable the members of the Medical Board to join the proceedings. No further adjournment shall be granted in this matter. Let the intimation of today's order, be given to the medical board, by the Registry, through the worthy Registrar General's office."

11. Paragraph Nos.9 and 10 of Impugned Order dated 23.07.2021 are extracted as under:-

"9. The said paragraph reads as under:

18. Further to the last order, all counsels assure this Bench that no precipitative actions shall be taken in any of the proceedings or complaints which are pending either before any Court or before any other forum including the police authorities.

Considering that the matter is part heard and submissions of all the parties are being heard by this Bench, which are yet to conclude, this Bench is of the opinion that no precipitative action ought to be taken in any of the criminal complaints and other proceedings pending before any Court or forum including police authorities, as the same results in enormous acrimony between the parties who are all closely related to each other, which is an avoidable situation, when this Bench is presently hearing arguments. Ordered accordingly.

10. List on 9th August, 2021 at 2:30 p.m. for further hearing submissions by Mr. Sandeep Sethi, Id. Sr. counsel for Mr. Umesh Sharma and Dr. Abhishek Manu Singhvi, Id. Sr. counsel for Mrs. Uma Devi."

12. Interim directions issued by the LSJ in Paragraph Nos. 5,6,7 and 13 in the Impugned Interim Order dated 04.06.2021 read as under:-

"5. After having assessed the entire situation in respect of the DMP, his living conditions and health related conditions, as also after being appraised of the financial condition of the DMP including the list of



2025:DHC:8122-DB



assets and balances in the bank accounts and the financial condition of Mrs. Satula Devi, some interim directions are being issued by the Court in respect of the following:

- a. Visitation by Mrs. Satula Devi to meet the DMP during the summer vacations;
- b. Evaluation of the DMP by a medical board;
- c. Regular payments to be made to Mrs. Satula Devi for her maintenance in accordance with her status as the wife of the DMP.

6. There are two accounts of the DMP, having substantial amounts, in which Ms. Uma Devi is stated to be a joint account holder and a co-signatory. On a query from the Court as to since when Mrs. Uma Devi is a joint account holder Mr. Abbmav Rao, Id. counsel has fairly submitted to the Court that she has been a joint account holder since November 2019. The Court notes that by November 2019, the DMP had already been detected with 'fronto-temporal dementia', in writ proceedings before the Ld. Division Bench of this Bench being **W.P.(CRL) 2255/2019 R.S. v. State & Ors** as noted in the judgment dated 20th September, 2019.

7. In this background, since the DMP's assets (movable and immovable) are substantial and run into thousands of crores, without listing out the same, it is deemed appropriate to accept the voluntary statement made by Ms. Kanchana Rai and Ms. Uma Devi in reply to the application being CM 4396/2020 where it is stated as under:

"That, in view of the fact that the answering Respondent and the Respondent No. 5 have voluntarily offered to maintain status-quo till the disposal of the present writ petition, the present Application seeking maintaining of status-quo of DMPs property has become infructuous."

Thus, it is directed that status quo shall be maintained in respect of all moveable and immoveable assets of the DMP by both Mrs. Uma Devi and Ms. Kanchana Rai/her family.

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13. The said medical board consisting of the above doctors would visit the residence of the DMP as per its convenience on any date prior to 15th June 2021. Dr. Padma may contact Ms. Pinky the Court Commissioner for coordinating the visit. Needless to add, during the visit, all concerned shall maintain all Covid-19 norms including wearing of double mask plus face shield while examining the DMP."



2025:DHC:8122-DB



13. Ultimately, on 19.10.2021, the Court constituted a *Guardianship Committee* to oversee the welfare and affairs of DMP. The Committee comprised Smt. Satula Devi, Sh. Rajeev Sharma and Smt. Uma Devi. Concurrently, Justice (Retd.) Rajiv Sahay Endlaw, a former Judge of this Court, was nominated as Supervising Guardian, since he had already been performing the functions of Guardian of DMP as well as his property.

14. DMP passed away on 27.12.2021. Subsequently, an application was filed before the LSJ, and *vide* order dated 06.01.2022, the *Guardianship Committee* was disbanded appointing the Supervising Guardian as the Sole Guardian of the assets and belongings of DMP. Paragraph Nos.22 to 26 of the Impugned Order dated 06.01.2022 reads as under:-

“22. Considering the fact that this Bench had appointed the Guardianship Committee and Supervising Guardian vide its previous order dated 29th October, 2021, in order to safeguard the movable and immovable assets of Mr. DMP, considering his demise and the continuous disputes between the family members brought to the notice of this Bench today, it is clear that the Guardianship Committee cannot effectively function. Moreover, since Mr. DMP has passed away, the members of the Guardianship Committee may possibly also have claims in the estate of Mr. DMP and would be conflicted in taking decisions. There is also a need to safeguard and secure the assets so that the same, which run into thousands of crores, are not frittered away or misused in any manner. In view of the same, the following directions are issued:

(i) In view of the fact that Mr. DMP is no more, the Guardianship Committee shall stand disbanded and Justice Rajiv Sahai Endlaw (Retd.), shall act as the Sole Guardian for the estate and all assets of Mr. DMP henceforth. He shall exercise the same powers mutatis mutandis, as those of the Supervising Guardian and the Guardianship Committee, in terms of order dated 29th October, 2021. Mr. T.R. Narayanan and Mr. Shrinath Banerjee, Personal Assistants of Mr. DMP, and all



2025:DHC:8122-DB



parties, shall now proceed strictly in accordance with the instructions given by the Sole Guardian in respect of the assets of Mr. DMP.

(ii) A report shall be placed before this Bench, by Justice Endlaw (Retd.), within a period of two weeks, in respect of the following aspects:

(a) Whether the various directions concerning Mr. DMP and his assets, passed by this Bench have been complied with or not in terms of the Court's earlier orders and the directions given by him?

(b) The minutes of proceedings containing the directions issued by him from time to time shall be placed on record along with the report.

(c) Current status of the movable and immovable assets of Mr. DMP, including his bank accounts, fixed deposits, shares and any other investments.

(d) Any further documents/actions which may be required in order to safeguard the moveable and immovable assets of Mr. DMP.

(iii) Since the probate of the alleged Will of Mr. DMP has now been filed and there is a need to secure all the moveable and immoveable assets of Mr. DMP, the status quo order passed previously shall continue. No withdrawals/transfers shall be made from any of the bank accounts of Mr. DMP, including the fixed deposit accounts and other investments/holdings of Mr. DMP, held solely by him or in a joint account with any other person. However, the inward remittance into these accounts shall continue as before, including the interest accrued on the various deposits, income from investments or any other sources, dividends received from various companies, etc. Upon such remittances being made or received into these accounts, the concerned parties/banks shall give an intimation to the Sole Guardian about the same.

(iv) The status quo order which was earlier granted in respect of the immovable properties of Mr. DMP, on 4th June, 2021, shall continue. No party shall take any action to create any third party interest in the said properties/assets or diminish the same in any manner. The said order was passed in the following terms:

6. There are two accounts of the DMP, having substantial amounts, in which Ms. Uma Devi is



2025:DHC:8122-DB



stated to be a joint account holder and a cosignatory. On a query from the Court as to since when Mrs. Uma Devi is a joint account holder Mr. Abhinav Rao, Id. counsel has fairly submitted to the Court that she has been a joint account holder since November 2019. The Court notes that by November 2019, the DMP had already been detected with 'fronto- temporal dementia', in writ proceedings before the Ld. Division Bench of this Bench being W.P.(CRL) 2255/2019 R.S. v. State & Ors as noted in the judgment dated 20th September, 2019.

7. In this background, since the DMP's assets (movable and immovable) are substantial and run into thousands of crores, without listing out the same, it is deemed appropriate to accept the voluntary statement made by Ms. Kanchana Rai and Ms. Uma Devi in reply to the application being CM 4396/2020 where it is stated as under:

"That, in view of the fact that the answering Respondent and the Respondent No.5 have voluntarily offered to maintain status-quo till the disposal of the present writ petition, the present Application seeking maintaining of status-quo of DMPs property has become infructuous."

Thus, it is directed that status quo shall be maintained in respect of all moveable and immovable assets of the DMP by both Mrs. Uma Devi and Ms. Kanchana Rai/her family.

...

17. In so far as the DMP's bank accounts are concerned, the current position is that he is suffering from dementia and is unable to operate his own bank accounts. From the submissions made, it appears that Ms. Uma Devi and the Secretary of the DMP are operating his accounts or spending therefrom. Accordingly, the status quo, as volunteered above, shall apply to all the bank accounts of the DMP. If any amounts are withdrawn, spent or transferred from the accounts of the DMP for living needs and other expenses, a statement of such amounts and expenses incurred every month along with the bank statements of the



2025:DHC:8122-DB



bank accounts of the DMP shall be filed, for the perusal of the Court in a sealed cover.

The above direction to maintain status quo shall now be binding upon all the parties, including Mr. US and his family who has been heard as an Intervenor, in this petition. They shall also not permit any third party to deal with the estate of Mr. DMP in any manner whatsoever, without prior permission of the Sole Guardian.

(v) Any payments which are to be made to any authorities including the tax authorities, other governmental bodies, or other expenditure including the residence expenditure, or the expenditure of Mrs. SD's residence, or approved expenditure by Justice Endlaw (Retd.), including for conduct of all final rites as per customs and traditions, shall be made only after the prior approval of the Sole Guardian.

(vi) All banks, financial institutions, companies and other authorities shall ensure strict compliance of today's directions. No amounts/assets shall be released to/transferred by any of the parties or any third party, without the prior approval of the Sole Guardian. Similarly, no account of Mr. DMP shall be permitted to be operated by any persons, without the prior approval of the Sole Guardian, which is to be obtained in respect of each such transaction.

(vii) The Sole guardian may issue directions to any person to ensure compliance of these directions.

(viii) This Bench also notes that the remuneration of Justice Endlaw (Retd.) had been fixed in terms of the order dated 8th September, 2021, confirmed by the order dated 29th October, 2021 in the following terms:

274. Remuneration of the Supervising Guardian - Justice Rajiv Sahai Endlaw (Retd.) is fixed in terms of order dated 8th September, 2021 in the following terms:

iii) The interim guardian shall be paid an honorarium of Rs.3 lakhs per month exclusive of secretarial, travelling and other expenses which shall be borne from the DMP's accounts.



2025:DHC:8122-DB



iv) The interim guardian may appoint a Manager to assist him in carrying out his functions and also fix a reasonable remuneration of the said Manager.

23. Considering the quantum of work and the nature of the communications and the situations that the Sole Guardian is required to deal with, the remuneration of the Sole Guardian is increased to Rs.5 lakhs per month exclusive of secretarial, travelling and other expenses which shall be borne from Mr. DMP's estate.

24. Coming to the other specific prayers in the present application, this Bench is of the prima facie opinion that the relief of partition sought through prayer (b) would not be maintainable in these proceedings. Insofar as prayer (a) is concerned, since the Guardianship Committee and the Supervising Guardian were already taking care of the estate of Mr. DMP under the orders passed by this Bench, till the final report of Justice Endlaw (Retd.) is received, the above directions are issued in order to ensure that there is no third-party interest that is created in the immovable properties and there is no diminution of the assets of Mr. DMP.

25. It is clarified that the above directions are being issued in order to safeguard the assets of Mr. DMP and shall be subject to any directions which may be passed by the Court dealing with the testamentary case being **TEST.CAS. 1/2022** or in any other proceedings concerning Mr. DMP's estate. Any further directions, if required shall be considered, post the receipt of the report of Justice Endlaw (Retd.) and post the filing of the replies to the present application by the Respondents.

26. Lastly, this Bench notes that the South Delhi Municipal Corporation (hereinafter "SDMC") is stated to have issued a death certificate of Mr. DMP, dated 3rd January, 2022, annexed to the present application, naming his spouse as Ms. UD. The order of this Bench dated 29th October, 2021, especially at paragraphs 2 to 5, clearly recognizes Mrs. SD as Mr. DMP's wife. Accordingly, the SDMC shall file an affidavit as to the circumstances that led to the issuance of this certificate dated 3rd January, 2022. The SDMC shall ensure that the death certificate is correctly issued reflecting the name of **'Mrs. Satula Devi'** as the wife of Mr. DMP, within 2 weeks. This shall however be without prejudice to Ms. UD's stand that she is entitled to enjoy the status of the wife of Mr. DMP. Accordingly, Mr. Sanjeev Sagar, Id. Standing Counsel for SDMC, has appeared before the Court upon intimation, and has agreed to ensure rectification of this certificate and compliance by the SDMC of today's order. Details, if any required, of Mrs. SD to ensure the rectification of the death certificate, shall be provided by Id. Counsel for the Petitioner, to the



2025:DHC:8122-DB



Ld. Standing Counsel for SDMC within 2 days. Copy of this petition along with the application be served by Mrs. SD on Mr. Sanjeev Sagar as well."

15. Smt. Satula Devi passed away on 12.06.2022. Following her demise, an application bearing CM APPL.697/2022 in W.P.(C) 1271/2020, the Guardianship Petition, was filed before the LSJ. Upon consideration, the LSJ disposed of the said application on 11.07.2022 with an observation that the interim arrangement made *vide* Impugned Order dated 06.01.2022 would continue to operate and Smt. Kanchana Rai cannot be appointed as the Sole Guardian/Executor of the estate of DMP.

16. On 27.05.2022, an interim order was passed with a direction to the Sole Guardian in the batch of LPAs which reads as under:-

"In the meantime, having heard learned Senior Advocates appearing on behalf of the parties, we direct the Sole Guardian not to pass any orders qua the operation and management of the Aristo Group of Companies or take any steps to change to composition of the Board of Directors of the companies, till the next date of hearing."

17. Special Leave Petition bearing no. SLP (C) Diary No. 1229/2023 filed by Sh. Ranjit Sharma against the interim order dated 27.05.2022 was dismissed as withdrawn.

18. Heard learned senior counsel representing the parties at length and with their able assistance perused the paper book.

19. Learned senior counsel representing the various parties have made their elaborate submissions.



2025:DHC:8122-DB



20. At the outset, this Bench is of the opinion that the detailed submissions are not required to be considered, in view of the fact that the Probate Petition is currently pending before the LSJ. In fact, the LPAs enlisted under serial nos.1 to 4 have become infructuous in view of the subsequent decision of the LSJ in the Guardianship Petition. The LPAs listed under serial no.5 challenges the disposal of the Guardianship Petition *vide* order dated 29.10.2021, which is a subject matter of the present appeals.

21. As per registered Will, allegedly executed by DMP on 18.07.2011, the beneficiaries are Sh. Achintya Rai and Sh. Aradhya Rai, sons of late Sh. Davinder Rai, who was the son of DMP. As per the registered Will, Smt. Kanchana Rai, mother of the minor grandchildren, has been nominated as guardian as well as executor. An application was filed in TEST.CAS. 1/2022 for grant of probate, which included a prayer for appointment of an Administrator. However, LSJ did not find it appropriate at that stage to appoint an Administrator, keeping in view the pending LPAs. Paragraph No.110 of the Impugned Order of FAO (OS) 38/2024 reads as under:-

“110. This would, though needless to state, be subject to any orders that may be passed in the pending LPAs’. If the appointment of the Sole Guardian were to be either varied, modified or set aside in those appeals, the prayer for appointment of an Administrator by this Bench independently and by recourse to Section 247 would be open to be revived. Presently and as matters rest today, there appears to be no justification for the Court to invoke its Section 247 power.”

22. In view of the aforesaid, it would not be appropriate for this Bench to pass any order, particularly when the LSJ has already



2025:DHC:8122-DB



permitted the applicant to file an application for revival of the earlier prayer.

23. As already noticed, the Guardianship Petition was filed when DMP was alive. In fact, it was filed by late Smt. Satula Devi to ensure that DMP received proper treatment and that his property is preserved after his death. The prayer made in the Guardianship Petition has since become infructuous; however, subsequently the LSJ passed two orders dated 06.01.2022 and 11.07.2022 directing the Sole Guardian to continue managing the properties.

24. With respect to the aforesaid, this Bench finds that adequate arrangements can be made in the Probate Petition. It be noted here that the counsel representing Smt. Kanchana Rai has submitted that in view of Section 247 of the Indian Succession Act, 1925, it is not permissible to appoint Administrator once there is a named executor in the Will. However, this Bench declines to examine the aforesaid aspect, leaving the matter open to the LSJ to decide.

25. It is to be noted here that elaborate submissions have been made by learned senior counsel representing the parties challenging the correctness and validity of the Impugned Orders passed from time to time. However, now the stage has come when the Court examining the Probate Petition should step in and pass appropriate orders. Any observations made on the merits of the case at this stage are likely to prejudice the parties, and hence, this Bench refrains from the same.



2025:DHC:8122-DB



26. In the meantime, the Guardian appointed by the Court shall continue to operate in the manner which was envisaged under various orders passed by the Court. However, the moment any fresh order is passed in the Probate Petition, the orders passed in the Guardianship Petition shall cease to operate.

27. With these observations, the FAO(OS) 38/2024 and the connected eleven LPAs are disposed of.

RFA(OS) 10/2023

28. RFA(OS) 10/2023 has been filed by Smt. Satula Devi/Plaintiff (Appellant before this Bench), challenging the correctness of the Impugned Order dated 10.04.2023 passed by the LSJ, whereby the plaint was rejected in exercise of *suo moto* powers under Order VII Rule 11 of the CPC. Notably, while doing so, the LSJ, on the one hand, permitted the Plaintiff to amend the plaint to seek an alternative relief, whereas on the other hand, rejected the plaint filed by her, by a common order.

29. A holistic and pragmatic reading of the plaint is of utmost importance to examine the correctness of the Impugned Order. The brief facts giving rise to this round of litigation are that late Smt. Satula Devi, wife of DMP, filed a suit asserting that she married DMP in the year 1960, and three sons were born out of their wedlock, namely, Sh. Rajiv Sharma, Sh. Devender Rai and Sh. Ranjeet Sharma. Her husband, though belonging to a poor family, always had a keen



2025:DHC:8122-DB



eye to do business along with the requisite acumen for being a successful businessman. By contrast, the Plaintiff, belonged to an extremely rich family and, at the time of marriage, brought with her a large amount of gold, approximately 4½ kg in the form of ‘*Stridhan*’, which she handed over to DMP to support him to start a business.

30. Initially, since DMP had no other source of income/corpus apart from the “*Stridhan*”, the money was used by him for trading in pharmaceuticals commodities. Thereafter from the earnings from the said trading, he set up three flagship companies, namely, M/s Aristo Pharmaceuticals Pvt. Ltd., M/s Aristo Laboratories Pvt. Ltd. and M/s Mapra Laboratories Pvt. Ltd. The Plaintiff and her children were allotted approximately 70% shares in the three companies.

31. In 2017, the mental condition of DMP started deteriorating rapidly, and one Smt. Uma Devi, a friend of DMP, in connivance with Smt. Kanchana Rai and other individuals, began executing their evil plan of alienating DMP from all the members of his family.

32. During the pendency of the criminal Writ Petition, filed for production of late Smt. Satula Devi, it came to the notice of the High Court that the condition of DMP had deteriorated to a stage worse than that of an Alzheimer’s patient, and that his condition will further deteriorate, following which, DMP was admitted to AIIMS.

33. On 29.10.2021, while disposing of the Guardianship Petition, the LSJ directed the constitution of a *Guardianship Committee* which included Smt. Satula Devi, Sh. Rajeev Sharma/Defendant No.1 and



2025:DHC:8122-DB



Sh. Umesh Sharma. Subsequently, on 20.11.2021, DMP was admitted to Apollo Hospital and unfortunately, within a month of him being admitted, he passed away on 27.12.2021.

34. Smt. Kanchana Rai/Defendant No.2 filed a petition on 03.01.2022 seeking a grant of probate in respect of the alleged Will dated 18.07.2011, purportedly executed by DMP. The Plaintiff contends that the said Will is illegal, forged and surrounded by suspicious circumstances. It is further claimed that DMP had no right to execute the Will, since the Plaintiff herself was the rightful owner of the properties in question. The reasons for doubting the genuineness and correctness of the Will have been elaborately disclosed in the plaint. Further, it is the case of the Plaintiff that the cause of action arose on 27.11.2021, when DMP passed away at Apollo Hospital. Para No.5 of the plaint highlighting the aforesaid is extracted as under:-

“5. The cause of action arose on 27.12.2021 when the Plaintiff’s husband passed away in Apollo Hospital. The cause of action further arose on 03.01.2022 when the petition seeking probate of the alleged will of the Plaintiff’s husband was filed by Defendant No. 2.”

35. It was claimed that the suit property is under the control and management of a Sole Guardian, who has been appointed by the Court and is therefore in the Court’s Custody. The Plaintiff is also stated to be in possession of the suit property through the guardian and is in actual physical possession of the suit property bearing no. C-1/21, Vasant Vihar, New Delhi. After assessing the suit for the purpose of



2025:DHC:8122-DB



pecuniary jurisdiction, at approximately Rs. 5,000 crores, the Plaintiff prayed for the following reliefs:-

“a) Pass a Decree for Declaration in favour of the Plaintiff and against the Defendant declaring the Plaintiff as owner of the suit properties as stated in the Schedule Attached with the instant suit.

b) Pass a Decree declaring the Will dated 18.07.2011 as null and void as the Plaintiffs husband could not have bequeathed the scheduled properties as the Plaintiff was the rightful owner of the same, in light of the fact that the entire estate of Dr. Prasad as it stands today was created by using the corpus of the Stridhan of the Plaintiff.

c) Any other relief which this Hon’ble Court deems appropriate and suitable in the interest of justice and in the facts and circumstances of the case be also granted to the Plaintiff.”

36. The Plaintiff also attached a schedule of properties, which included three incorporated companies, their shares, and immovable properties located in various cities, including Delhi, Bombay and the State of Bihar. In addition, the Plaintiff disclosed that DMP had parked a significantly large amount, approximately Rs. 3,500 crores, in Fixed Deposit Receipts (FDRs).

37. During the pendency of the suit, the Plaintiff filed an application seeking permission to amend the plaint to include an alternative prayer, asserting that the alleged Will is null and void on the basis of various inconsistencies and objections. Further, a prayer was made for the partition of the suit property as per law, i.e., 1/4th share in the scheduled properties. The alternative prayer ‘B-A’ is extracted as under:-

“B-A: In the alternative, Declare the Will dated 18.07.2011 as null and void on the basis of the various inconsistencies and the objections of the Plaintiff and Partition the suit property as per law i.e. 1/4th share of the scheduled property.”



2025:DHC:8122-DB



38. The LSJ has rejected the plaint, while recording the following reasons:-

- i. The Plaintiff has sought a declaration without seeking any consequential relief; therefore, in view of the proviso to Section 34 of the Specific Relief Act, 1963 [hereinafter referred to as 'SRA'], the suit is not maintainable.
- ii. Prayer 'b' shall not be maintainable due to the pendency of the probate petition.
- iii. Prayer 'b' and 'B-A', though sought alternatively, are not maintainable.
- iv. The Plaintiff handed over 4½ kg of gold to her husband in the year 1971; however, averments raised in the plaint do not disclose the year in which the three companies were established. Further, she never protested against the allotment of shares to Defendant Nos.1 to 3; hence, the cause of action to file the suit could not have arisen in December 2021 when DMP died.
- v. The averments made in *Paragraph Nos. 1,3,12,18,19,21 and 22, Grounds-c,g and h* and the Prayers 'a' and 'b' of the Guardianship Petition are at variance with case set up by the Plaintiff.
- vi. The Plaintiff has not prayed for the return of 'Stridhan'.
- vii. The Plaintiff had no cause of the action, and the suit was barred by limitation.
- viii. A significantly large numbers of judgments have been relied upon to arrive at such conclusion.



2025:DHC:8122-DB



39. At the outset, it is to be highlighted that the rejection of a plaint under Order VII Rule 11 of the CPC enlist various grounds on which a plaint can be rejected at the threshold, which includes, amongst others, a lack of cause of action, and the suit being barred by limitation and/or barred by law. Order VII Rule 11 of the CPC reads as under:-

“11. Rejection of plaint— *The plaint shall be rejected in the following cases:—*

(a) where it does not disclose a cause of action;

(b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;

(c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;

(d) where the suit appears from the statement in the plaint to be barred by any law;

(e) where it is not filed in duplicate;

[Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff..]”

40. While examining the plaint, it is expected from the Court that the plaint will be read comprehensively and, in its entirety, rather than in isolation, by focusing solely on a specific prayer or on a particular part of the pleadings. As per Order VI Rule 2 of the CPC, the pleadings are to be confined to statement of facts presented in a concise form, but it is not expected that the pleadings shall also include evidence. Therefore, a pragmatic, realistic and holistic reading



2025:DHC:8122-DB



of the plaint is of utmost importance before considering the prayer for its rejection at the threshold.

41. It will be noted here that along with the plaint, the Plaintiff has disclosed various movable and immovable properties held by DMP at the time of his death. Additionally, he was also a shareholder in all the three companies. In fact, the suit would be maintainable even *qua* prayer 'b', as it is not based upon the question of validity of the Will/Testament. Thus, upon reading the heart and soul of the plaint, it has become evident that the Plaintiff has challenged the competence and capacity of the testator to execute the Will, asserting that she is the rightful owner of the property. Even though the Plaintiff has not specifically prayed for refund of the amount representing her '*Stridhan*', the Court could mould the relief, subject to payment of the requisite court fees.

42. Moreover, after the amendment was allowed, the Plaintiff also prayed for the partition of suit property in the second part of prayer 'B-A'. In substance, the Plaintiff has prayed that if the Will is not proved in accordance with law or is found to be surrounded by suspicious circumstances as detailed in the plaint; she would be entitled to a 1/4th share in the schedule properties under the law of natural succession, along with a prayer for partition.

43. During the pendency of the Probate Petition, the Civil Court may not be entitled to examine the validity of the Will; however, this could not be construed as a ground to reject the plaint. In addition, it is trite law that a Court cannot reject a plaint in part.



2025:DHC:8122-DB



44. The LSJ has also overlooked the fact that, in addition to holding shares in all three incorporated companies, DMP, at the time of his death, owned several moveable and immoveable properties located in Delhi, Mumbai, Calcutta and Bihar. Therefore, in the absence of a Will, the Plaintiff was entitled to seek partition.

45. The LSJ further erred in observing that the cause of action would not arise on the death of DMP. However, the Plaintiff's case is that she had entrusted her '*Stridhan*' to her husband, who built his business on the basis of the aforesaid corpus, which was duly utilized by him to build an empire by making a rapid progress. The cause of action for the return of the gold entrusted to her husband would arise only when the Plaintiff either demanded its return or when her husband offers to return the same. If the parties were living jointly and happily, the cause of action for recovery of the alleged '*Stridhan*' would not arise on establishment of the companies; particularly when, it is the case of the Plaintiff that 70% of shares were held in her name or in the names of her children.

46. Furthermore, the Plaintiff's cause of action to claim a share in the movable and immovable properties left behind by her husband would only arise upon the opening of succession, i.e., upon his death.

47. The LSJ has also overlooked that the Plaintiff had no occasion to protest the allotment of shares to her children and/or grandchildren, who are Defendant Nos. 1 to 3 in the suit.



2025:DHC:8122-DB



48. As per the proviso to Section 34 of the SRA, if the Plaintiff is entitled to seek further relief based on the same cause of action as that of the suit, and such relief has not been claimed, then the plaint can be rejected because the Plaintiff failed to seek the same. However, if the Plaintiff is not entitled to any further relief, a suit for declaration without consequential relief cannot be rejected. The Section 34 of the SRA reads as under:-

“34. Discretion of court as to declaration of status or right.—

Any person entitled to any legal character, or to any right as to any property, may institute a suit against any person denying, or interested to deny, his title to such character or right, and the court may in its discretion make therein a declaration that he is so entitled, and the plaintiff need not in such suit ask for any further relief:

Provided that no court shall make any such declaration where the plaintiff, being able to seek further relief than a mere declaration of title, omits to do so.

Explanation.—

A trustee of property is a “person interested to deny” a title adverse to the title of some one who is not in existence, and whom, if in existence, he would be a trustee.”

49. On a careful reading of the plaint, it is evident that most of the properties are in the possession and control of the Guardian appointed by the Court in writ jurisdiction. The Plaintiff also claims to be in physical possession of one of the properties, located in Vasant Vihar, New Delhi. She has sought partition of the suit property, which obviously includes relief of declaration and possession, particularly when the properties are in possession of the Court-appointed Guardian.



2025:DHC:8122-DB



50. In the event that the Court holds that DMP was not entitled to execute the Will, the Plaintiff would, in any case, be entitled to the relief of declaration as prayed for. Conversely, if the validity of the Will is upheld and DMP is found to be competent to execute it, the Court would still have to examine whether there was any other property left behind by DMP that were not covered under the Will. Such an exercise can only be undertaken after the parties are permitted to lead evidence to that effect. This Bench has been given to understand by learned senior counsel representing the parties that the immovable properties and FDRs were in the individual name of DMP.

51. The LSJ has also relied upon the averments made in the Guardianship Petition to observe that the Plaintiff's case set up in the plaint is at variance with the case set up in the said Writ Petition. In this regard, this Bench is of the considered opinion that, *firstly*, such a ground cannot form the basis for rejecting a plaint under Order VII Rule 11 of the CPC. *Secondly*, though the Plaintiff has referred to the Guardianship Petition, however, the same does not form a part of the plaint itself. *Thirdly*, this defence raised by the Defendants can only be examined appropriately once the parties are permitted to lead evidence.

52. Sh. Sethi, learned senior counsel, submitted that the Plaintiff has not laid any foundation for the relief of partition. He further submitted that the prayer for declaration *qua* the Will is not maintainable in view of the pendency of the Probate Petition and that



2025:DHC:8122-DB



the plaint does not disclose any cause of action with respect to the Plaintiff's claim *qua* ownership.

53. Sh. Sethi is correct to an extent that no specific foundation has been laid in the plaint for seeking partition. However, at this stage, it would not be appropriate to reject the plaint for lack of foundation, particularly when the Plaintiff has expressly sought a prayer for partition in her suit.

54. Sh. Sethi is also correct to the extent that, during the pendency of the Probate Petition, it will not be appropriate for a Court to examine the validity and genuineness of the Will. While this may be a ground to stay the proceedings in the suit, it cannot justify rejection of the plaint altogether.

55. The last submission of Sh. Sethi is with regard to the cause of action for claiming ownership. This issue is required to be examined in the context of claim of the Plaintiff in the plaint. In Para No.5 of the plaint, the Plaintiff has clearly stated the cause of action to file a suit which reads as under:-

“5. The cause of action arose on 27.12.2021 when the Plaintiff's husband passed away in Apollo Hospital. The cause of action further arose on 03.01.2022 when the petition seeking probate of the alleged will of the Plaintiff's husband was filed by Defendant No. 2.”

56. This Bench has already held that *prima facie*, the limitation to file the suit will begin to run from the date of DMP's death.

57. Sh. Tripathi, learned senior counsel, submitted that the present suit is barred under Order II Rule 2 of the CPC in view of the judgment passed in the Guardianship Petition. He further submits that



2025:DHC:8122-DB



the premise upon which a partition has been sought, has not been laid, and that the Plaintiff has not paid requisite court fee needed for claiming refund of gold. Further, it is also submitted that the moulding of relief will not be permissible particularly when there is no prayer made to that effect. It is also contended that the Plaintiff has set up a mutually destructive case. In the alternative, it has been submitted that the Court should direct the Plaintiff to strike off irrelevant and unnecessary pleadings under Order VI Rule 16 of the CPC.

58. Prohibition to maintain a suit after a Guardianship Petition in the context of prohibition under Order II Rule 2 of the CPC appears to be debateable, particularly when the provision contemplates a bar on the basis of a previous suit and not the Writ Petition. Hence, it would not be appropriate to reject the plaint at this stage on the said ground.

59. With respect to the alleged deficiency in payment of court fees for refund of the gold, it will be noted that as and when this objection is taken by the Defendant, the LSJ will examine the same at the appropriate stage. It is importance to clarify that the Plaint has not been rejected for deficiency in the payment of court fee.

60. Likewise, the argument that the Plaintiff has set up a mutually destructive case cannot justify rejection of the plaint, particularly when the Plaintiff has prayed for an alternative relief. Correspondingly, it would not be appropriate for this Bench to direct deletion of allegedly unnecessary averments at this stage, particularly



2025:DHC:8122-DB



when the matter has not yet been examined by the LSJ and there is no application under Order VI Rule 16 of the CPC has been moved.

61. Sh. Tripathi, learned senior counsel has also relied upon the judgment passed in ***K.K. Modi vs. K.N.Modi***¹, which pertains to a case arising from an arbitration award under the Arbitration Act 1940. The reliance on this judgment has been placed in the context of Order VI Rule 16 of the CPC, however, in absence of any application preferred under the said provision, this Bench does not deem it necessary to examine this judgment.

62. Sh. Tripathi, has also relied upon the judgment passed in ***Sopan Sukhdeo Sable & Ors. vs. Assistant Charity Commissioner & Ors.***², which is a case arising from Bombay Public Trust Act, wherein the Court permitted the plaintiff to amend the plaint. In this case, it was found that the plaint does not disclose any cause of action, hence, the Court after examining the object behind Order VII Rule 11 of the CPC, held that the permission can be granted to the Plaintiff to amend the plaint. In this case, the Court has also held that a part of the plaint cannot be rejected.

63. Further, reliance is placed on the judgment in ***Bachhaj Nahar vs. Nilima Mandal & Anr.***³. This was not an appeal arising from rejection of the plaint, and the observations made in the judgment are in the context of final decision of the suit after permitting the parties

¹ (1998) 3 SCC 573

² (2004) 3 SCC 137

³ (2008) 17 SCC 491



2025:DHC:8122-DB



to lead evidence whereas the scope of the rejection of the plaint, at the threshold is extremely limited.

64. Sh. Sethi has also heavily relied upon ***T. Arivandandam vs. T.V. Satyapal & Anr.***⁴. In this case, the Court found that the petitioner had been indulging in a series of legal proceeding to evade an eviction order passed against him. In that context, the Supreme Court held that, if on a meaningful and not formal reading of the plaint, it is manifestly vexatious and meritless in a sense of not disclosing a clear right to sue, power under Order VII Rule 11 of the CPC can be exercised, which is not the case herein.

65. Sh. Sethi, learned senior counsel has also relied upon the judgment passed in ***Liverpool & London S.P. & I Association Ltd. vs. M.V. Sea Success I and Another***⁵ (2004) 9 SCC 512 to submit that the documents relied upon in the plaint could be examined to reject the plaint. In this case, the Defendants have failed to show from the document relied upon by the Plaintiff, to prove that the plaint does not disclose cause of action.

66. The LSJ in the Impugned Order, has relied upon the judgment passed in ***Deokuer & Anr. v. Sheoprasad Singh & Ors.***⁶ to observe that there is no requirement in law to seek a consequential relief after a declaration has already been sought with respect to title over the suit properties. However, this case was related to a suit filed for declaration of title of a property attached under Section 145 of Cr.P.C.

⁴ (1977) 4 SCC 467

⁵ (2004) 9 SCC 512

⁶ AIR 1966 SC 359



2025:DHC:8122-DB



where the defendant was neither in possession nor capable of delivering possession to the plaintiff. The facts of this case are not comparable to that of the present case, hence, the reliance on this judgment has no bearing on the present case.

67. The LSJ also relied upon ***Rama Shankar v Balak Das***⁷, to observe that Civil Court cannot frame an issue to determine whether a Will is the last valid Will of the deceased. However, the said case arose from a challenge under Order XXXIX Rule 1 and Order XL Rule 1 of the CPC, and the dispute specifically involved the validity and genuineness of two distinct Wills. In that context, it was held that a Civil Court could not adjudicate the validity of the Wills and that the parties were required to initiate appropriate probate proceedings. In contrast, the present case is factually distinguishable. Here, probate proceedings are already pending, and importantly, the Plaintiff is in possession of one of the properties located in Vasant Vihar. Therefore, the ratio of *Rama Shankar* would not apply squarely to the facts of the present case.

68. Similarly, reliance placed by the LSJ on judgment in ***Mussamad Jubelnessi v. Deen Muhamad***⁸, is distinguishable to the extent that this case dealt with the interpretation of consequential proceeding in the context of the Court Fees Act, and the Court's discussion therein was limited to the interpretation of 'consequential relief' specifically within the ambit of the said Act.

⁷AIR 1992 MP 224

⁸ AIR 1941 Lah 97(FB)



2025:DHC:8122-DB



69. The LSJ has also relied on the judgments in ***Padhiyar Prahladji Chenaji (D) through LRs. V. Maniben Jagmalbhai (D) through LRs & Ors.***⁹ and ***State of Punjab and Anr. v. Balkaran Singh***¹⁰, wherein after arriving at the finding that the suit is barred by limitation, it was held that any consequential relief claimed therein would also be barred. However, this bench, in the preceding paragraphs, has already recorded a *prima facie* view that the suit is not barred by limitation. Accordingly, the reliance on the aforesaid judgements is clearly distinguishable in view of the conclusion drawn by this Bench.

70. Keeping in view aforesaid discussion, the Impugned Order passed by the LSJ is set-aside; while keeping it open to the parties to pray for amendment, for making good the deficiency in court fee and filing application under Order VI Rule 16 of the CPC. It will also be open to the LSJ to consider the Defendant's request for staying the proceedings, if and when made.

71. Keeping in view the facts of the case, it is considered appropriate to consolidate the proceedings of the suit bearing no. CS(OS) 203/2022 with that of the Probate Petition pending between the parties i.e. TEST.CAS. 1/2022. The parties through their counsels are requested to appear before the learned Single Judge (Roster Bench) on 23.09.2025.

ANIL KSHETARPAL, J.

HARISHVAIDYANATHANSHANKAR, J.
SEPTEMBER 16, 2025/sp/hr

⁹2022 SCC Online SC 258

¹⁰(2006) 12 SCC 709