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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1874/2023 & CM APPL. 59030/2023**
MANORAMAPetitioner

Through: Mr. Deepak Aggarwal, Advocates.

versus

SH. MOHAN LAL SHARMA

.....Respondent

Through: Mr. Nisarg Bhardwaj, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

07.08.2025

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1. Petitioner is defending a suit for injunction.
2. As per the bare averments made in the suit, plaintiff Mr.Mohan Lal Sharma is seeking injunction on the basis of a *Will* dated 19.04.2014 left behind by his mother (since deceased) in his favour.
3. According to plaintiff, he has become absolute owner of the property in question by virtue of the abovesaid *Will*.
4. However, according to defendant, such *Will* is forged and fabricated.
5. Initially, learned Trial Court had framed issue with respect to the *Will* in question and the onus was put upon the defendant to show that such *Will* was forged and fabricated one.
6. The defendant, however, moved an application that the onus should have been shifted upon the plaintiff as the primary onus was on the plaintiff to show that such *Will* was valid and last *Will* as plaintiff is seeking his relief in the suit based on the abvoesaid *Will*.
7. Learned Trial Court, however, deleted the abovesaid issue while

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observing that there was no question of going into to the aspect of the validity of Will/Ownership or title of the plaintiff in the suit in question.

8. Such order dated 25.02.2023 has been challenged by defendant.

9. Admittedly, after the institution of the suit in question, the plaintiff has already filed a petition seeking grant of probate based on the abovesaid Will and such probate petition is pending adjudication before learned District Judge.

10. After hearing arguments for some time, learned counsel for petitioner, without prejudice to his rights and contentions, does not press the present petition.

11. He, however, submits that liberty may be granted to him to move appropriate application under Section 24 CPC, so that both the abovesaid cases are taken up and considered by one and the same Court, in order to avoid any conflicting judgments.

12. Learned counsel for respondent/plaintiff also has no objection with respect to the above request.

13. In view of the above, petition stands disposed of as not pressed. Liberty, as prayed, is granted

14. All rights and contentions of parties are reserved.

15. Pending application also stands disposed of in aforesaid terms.

MANOJ JAIN, J

AUGUST 7, 2025/sw/JS