



2025:DHC:9746-DB



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

Date of decision: 04.11.2025

+ FAO(OS) 134/2025, CM APPL. 68816/2025 (Stay), CM APPL. 68817/2025 (Ex. from filing certified copy of the impugned order), CM APPL. 68818/2025 (Seeking permission to file lengthy synopsis and list of dates) & CM APPL. 68819/2025 (Ex. from filing typed copies of the annexures)

JANGJIT SINGH AND ANOTHERAppellants

Through: Mr. Harin P. Raval, Senior Advocate with Mr. Siddharth H. Raval, Ms. Urmi H. Raval, Ms. Shrestha Narayan, Ms. Shreya Bansal, Mr. Jagdish Chandra, Mr. Sanjiv Kumar Saxena and Mr. Mukesh Kumar, Advocates.

versus

MUNNI AND OTHERSRespondents

Through: Mr. Deepak Arora, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

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JUDGEMENT (ORAL)

ANIL KSHETARPAL, J.

1. The present Appeal has been filed under Section 10 of the Delhi High Court Act, 1966, read with Section 96 and Order XLIII of Civil Procedure Code, 1908, assailing the following Impugned Orders passed by the learned Single Judge of this Court in TEST. CAS. No. 9/2022 titled as “*Munni v. State of NCT of Delhi*”:

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- (i) Order dated 15.10.2025 passed in I.A. No. 26137/2025 whereby, the said Application to recall the Orders dated 15.10.2024 and 02.07.2025 was dismissed;
- (ii) Order dated 02.07.2025 passed in REV. PET. No. 350/2025 whereby, Review Petition for recall of Order dated 15.10.2024 was dismissed; and
- (iii) Order dated 15.10.2024 wherein case was dismissed as withdrawn.

2. The Appellants herein claim to have entered into an Agreement to Sell and Purchase dated 30.05.2024, executed between Respondent No.1/Smt. Munni and the Appellant No.1/Sh. Jangjit Singh. Respondent No.1/Smt. Munni had filed Testamentary Case Number 9/2022 under Sections 276 and 278 of the Indian Succession Act, 1925, seeking issuance of Letters of Administration on the basis of a Will dated 25.08.2020, allegedly executed by late Smt. Parvati K. Singh, widow of late Sh. Kamni Kumar Singh.

3. On 26.09.2024, Respondent No.1/Munni, made a statement in presence of her Counsel and her son, abandoning her claim with respect to the Will dated 25.08.2020. The observation recorded by the learned Local Commissioner and her Statement are extracted as under:-

“Previous sitting of 20.09.2024 was got adjourned by a text on the WhatsApp group on the ground that the Petitioner had engaged a fresh Counsel Mr. Shoaib Khan, Adv. and Counsel required sometime to prepare for the cross-examination of RW1. Request was conceded and sitting was fixed for today.

It is informed by both sides with their Counsel that parties have arrived at a settlement/compromise, whereby the Petitioner seeks to withdraw the present Petition and not to prosecute any claim/remedy in the present Testamentary Case.

Statement of Petitioner Munni has been recorded on oath in the

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presence of her Advocate Mr. Shoaib Khan as well as in the presence of her son Mr. Shakir. Petitioner has very specifically stated that she wants to withdraw the present Petition as a settlement/compromise has been arrived at between the parties. Respondents accordingly will cooperate in getting the FIR concerning the Will in question quashed.

To the understanding of LC, statement given by the Petitioner Munni and recorded is a voluntary statement after the LC also explained all the aspects of the settlement/compromise stated to have been reached between the parties.

In view of statement of the Petitioner Munni, RW1 Mr. Kamal Ramnani is discharged without any further cross-examination which was pending since part previous cross-examination.

26.09.2024

Statement of Smt. Munni, Wife of Shri Nanhe, Aged about 73 years, R/o. House No. 105/12, Adchini Village, New Delhi-110016.

On S. A.

I have settled all disputes with the Respondents and in terms of that Settlement/Compromise, I have decided to withdraw my present Petition. The Respondents have agreed to withdraw the Criminal Case filed against me and my other family members concerning the Will, subject matter of the present Petition and accordingly, will cooperate in getting the FIR quashed. I am making the present statement in the presence of my Advocate Mr. Shoaib Khan, whose Vakalatnama executed by me in his favour has already been filed on record.

The Respondents shall withdraw the criminal case pending investigation with the Police in FIR No. 615 of 2022, P.S. Malviya Nagar. Respondents have given an assurance to cooperate in getting the said FIR quashed in terms of the settlement/compromise having reached between the parties and the Petitioner having given a statement to withdraw the present Petition.

I am completely conscious of what I am stating and the same is being recorded i.e. I do not wish to proceed and prosecute my present Test. Cas. 9 of 2022. Henceforth, I will not be claiming any right/interest/title whatsoever in nature qua the Will dated 25.08.2020, subject matter of the present Petition. I have made above statement on my freewill, without there being any confusion, pressure, coercion or undue influence. My son Mr. Shakir has accompanied me and is present with me during my statement being recorded before LC. I will stand by my above Statement before the Hon'ble Court when the matter is taken up by the Hon'ble Court."

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[Emphasis Supplied]

4. Pursuant to the aforesaid statement, on 15.10.2024, Smt. Munni again took a stand that she does not wish to proceed with the petition as she is abandoning her claim that was arising out of the Will dated 25.08.2020. On 15.10.2024, the learned Single Judge passed the following order:-

- “1. Smt. Munni and her son Sh. Shakir are present in Court.
2. **Learned counsel for the Petitioner states that in terms of statement made by Smt. Munni on 26.09.2024 before the learned Local Commissioner she seeks leave of this Court to unconditionally withdraw the present petition. He states that the petitioner confirms that she does not seek to proceed with the present proceedings and that she is also unconditionally abandoning her claim with respect to the Will dated 25.08.2020.**
3. Learned counsel for the Respondent No. 2 to 4 states that Smt. Munni and Mr. Shakir have undertaken to vacate and peacefully handover the vacant possession of the immovable property being B-48, Sarvodaya Enclave, New Delhi-110017 to Respondent Nos. 2 to 4. He states that Respondent Nos. 2 and 3 are the legatees under the Will dated 08.11.2016, which is subject matter of the TEST CAS. No. 72/2024 pending before this Court.
4. In view of the statement recorded hereinabove the present case is dismissed as withdrawn, with no liberty reserved to the petitioner.
5. Pending applications stands disposed of.
6. The registry is directed not to list this matter further.”

[Emphasis Supplied]

5. Learned Senior Counsel for the Appellant submits that Respondent No.1/Munni, without the Appellants' knowledge, executed a Memorandum of Understanding [“MoU”] dated 26.09.2024 with Sh. Kamal Ramnani/Respondent No.2 and Sh. B.S. Ramnani/Respondent No.3, agreeing to hand over possession of the subject property, withdraw Testamentary Case No. 9/2022, and

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relinquish all claims arising from the Will dated 25.08.2022.

6. It is further submitted by the learned Senior Counsel that Respondent No.1/Munni thereafter filed a Review Petition No. 350/2025 seeking recall of the order dated 15.10.2024, contending that the MoU dated 26.09.2024 was executed under coercion and pressure from Respondent Nos.2 and 3, and out of fear of imprisonment in connection with the criminal proceedings arising from the aforesaid FIR. The said Review Petition was dismissed on 02.07.2025, and an application seeking recall of Order dated 15.10.2024 and 02.07.2025 was filed, which was again dismissed on 15.10.2025.

7. As already noticed, the Appellants claim to have entered into an Agreement to Sell and Purchase from Smt. Munni on payment of some part of the sale consideration. They have now assailed the correctness of the Orders dated 15.10.2024, 02.07.2025 and 15.10.2025.

8. We have heard the learned Counsel appearing for the parties at length and, with their able assistance, we have perused the paperbook.

9. The Appellants claim to be holders of an Agreement to Sell and Purchase allegedly executed by Smt. Munni. The Appellants are yet to file a Suit for specific performance of the aforesaid Agreement.

10. Upon realizing these facts, learned Senior Counsel for the Appellant submits that the learned Judge in the Order dated 15.10.2025 has made certain observations with regard to the validity of the Agreement to Sell without giving the Appellants opportunity of hearing. He submits that the observation would result in sealing the fate of the Suit which the Appellants wish to file. He further submits that the Court has also erred in making the following observation:-

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“The third parties who are claiming through the Petitioner are bound down by the undertaking of the Petitioner given before the Local Commissioner as well as the Court and cannot retain the possession of the subject property.”

11. Learned Counsel for the Respondent submits that such observations made by the Court cannot be construed as a final expression on the merits of the case and the Court will proceed to decide the Suit, if any, filed by the Appellants without being influenced by the observations made herein.

12. Keeping in view the aforesaid facts, the present Appeal along with pending application(s), if any, is dismissed as withdrawn. It is made clear that the observations made by the Court in the Impugned Order will not be construed as a final expression on the merits of the case, and if the Appellants file a Suit, the Court will proceed to decide the same independently, uninfluenced by the observations made in the Impugned Orders.

13. In view of the aforesaid discussions, the present Appeal, along with pending application(s), if any, stands disposed of.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
NOVEMBER 04, 2025/nd/rou

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