

Jay Prkash vs.state of Delhi

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Court : Delhi

Decided On : Aug-14-2018

Appellant : Jay Prkash

Respondent : State of Delhi

Advocate for Def. : Mr. Nikhil Singhvi, Mr. Mohit Seth

Judgement :

\$~ O~12 * % IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Decision:

14. h August, 2018 + I.A.10633-10635/2017 in TEST.CAS. 50/2011 [JAY PRKASH Through: Mr.Vinod K. Singh, Adv.

... Petitioner

versus STATE OF DELHI Respondent Through: Mr. Nikhil Singhvi, Mr.Kanak Bose and Mr. Mohit Seth, Adv. CORAM: HON'BLE MR. JUSTICE J.R. MIDHA JUDGMENT (ORAL) I.A.10635/2017 Allowed, subject to just exceptions. I.A.10633/2017 & 10634/2017 1. The petitioner has filed I.A.10633/2017 seeking restoration of the petition which was dismissed in default on 20th May, 2014. There is delay of 1199 days in seeking restoration for which the petitioner is seeking condonation in I.A.10634/2017.

2. Learned counsel for the petitioner submits that the petitioner is an illiterate person living in Bhagpat, U.P. and his counsel did not inform him the date of hearing of 20th May, 2014 and, therefore, he did not attend the Court on the said

date. It is further submitted that his counsel did not inform the status report from 2014 to 2016 despite repeated requests and he engaged a new counsel in 2016 who inspected the record and filed the present TEST.CAS.50/2011 Page 1 of 15 application.

3. Before considering the aforesaid submissions, this Court would like to record the relevant facts of this case.

4. The petitioner claims to have been working as a caretaker for late R.G. Mundkar who expired on 13th October, 1995. On 02nd June, 2011, i.e., more than 16 years after the death of late R.G. Mundkar, the petitioner instituted this present petition seeking probate of the Will dated 25th August, 1988 whereby the deceased bequeathed the property bearing No.52, Vasant Vihar, New Delhi in favour of the petitioner.

5. This petition was listed before this Court on 03rd June, 2011 when this Court issued Court notice to the DCP, Delhi Police to conduct an inquiry. The relevant portion of the order dated 03rd June, 2011 is reproduced hereunder:-

"1. The instant petition has been filed by the petitioner who claims to have been a caretaker of late Sh. R.G. Mundkar. Probate of an alleged Will dated 25th August, 1988 has been sought on the plea that he did not leave any Class I heirs upon his death on 13th October, 1995. Before proceeding in this matter, it is necessary to examine the petitioner. The petitioner shall remain present for his examination in court on the next date, i.e. 6th July, 2011.

2. Issue court notice to the Secretary of the Government Servants Cooperative House Building Society, Kalyan Kendra, Paschimi Marg, Vasant Vihar, New Delhi to produce or cause to be produced in this court the entire record relating to the property bearing no.52, Vasant Vihar, New Delhi.

3. The Registry shall also issue a court notice to the DCP who is concerned with the Vasant Vihar Police Station enclosing a copy of the present petition. A direction is TEST.CAS.50/2011 Page 2 of 15 issued to the DCP concerned to cause an inquiry to be conducted.

4. Let notice be issued to the Land & Building Department of Govt. of NCT of Delhi.

5. Mr. Sanjay Poddar, learned standing counsel for the Land & Building Department is directed to accept notice. Let a copy of the petition be made available to him.

6. A direction is issued to the Secretary, Land & Building Department to ensure that possession of this property is protected till further orders of this court. (Emphasis supplied) 6. On 06th June, 2011, Mr. Mohd. Ali, ACP of the Sub-Division of Vasant Vihar filed a preliminary report dated 1st June, 2011 according to which serious offences had been committed in respect of the property No.A- 52, Vasant Vihar, New Delhi. The preliminary report raised serious doubts with regard to the genuineness of the Will dated 25th August, 1988. The relevant portion of the said report is reproduced hereunder:-

"Status report May it please your lordship. Most respectfully and humbly, it is prayed that, vide order dated 03/06/2011, this Honble court was pleased to issue directions to DCP of P.S Vasant Vihar area to conduct an enquiry in the abovesaid matter. In this regard, it is submitted that, an enquiry in the matter was got conducted by SHO/PS Vasant Vihar, Delhi, supervised by the undersigned after getting instruction from DCP/South Distt. Briefly stated that petitioner moved a petition before this Honble Court for grant of probate of last will dated 25.08.1988, in respect of the asset of deceased late Sh. R.G. Mundkar s/o Late Sh Gopal Rao Mundkar, who died on 13.10.1995. In the petition, petitioner stated that late Sh. R.G. Mundkar s/o Late Sh Gopal Krishan Rao Mundkar was a resident of 52, Vasant Marg, Vasant Vihar, New Delhi, TEST.CAS.50/2011 Page 3 of 15 As per directions of this Honble Court, enquiry of the before his death, had executed his last and final WILL dated 25.08.1988 in favour of petitioner, out of love and affection, as he had cared the deceased in his old age. The said will was duly witnessed by one Smt. Raj Kumari w/o Shri Rattan Lal r/o D-56 A, Amar Colony, New Delhi as witness no.1 & Sh. Mahavir Singh, Advocate, Delhi as witness no.2. The deceased has left no legal heir behind him except the petitioner being beneficiary of the said will, who now wants grant of probate in respect of the WILL

of late Sh R.G. Mundkar. Applicant further stated that as per the knowledge and information of the petitioner, no other petition has been filed in any other court for the grant of probate in respect of said WILL dated 25/08/1988. above said facts mentioned in the petition was conducted. During the course of enquiry, petitioner Jay Prakash was contacted and examined who stated that from the year 1980 to 1995, he worked at the house of Sh. R.G Mundkar, i.e., House No A-52, Vasant Marg, Vasant Vihar as a care taker. disturbed. His wife and daughter have expired. the year 1995, Mr. Munkdar became seriously ill and some of his relatives got admitted him at the hospital, where during treatment, he expired. After Mr. Mundkars death, he remained at the abovesaid house for 5- 6 months. Later on, after threatened by men of one Kiran Chaudhary, he went back to his native place and settled there. He further stated that during the year 1994, Mr. Mundkar handed over him a paper, with the directions to keep it safe. Around 7-8 months back, when he was shifting his residence from Meerut to Bijrol village, Distt Baghpat (UP), his son Sanjiv found this paper in the home and discussed the same with the cousin Sudhir. On scrutiny, Sudhir informed to Sanjeev that this is a WILL executed by Sh. R.G Mundkar further R.G. Mundkar had a daughter, who was mentally During in favour of Jay Prakash. He TEST.CAS.50/2011 Page 4 of 15 the same (UP) was made The copy of WILL in question was also obtained from enquired/verified from Registrar office at Kashmiri Gate, Delhi, where the said WILL was found registered. Jay Prakash further stated that, he has no knowledge about the address of Raj Rani and stated that she used to provide meal to Mr. Mundkar and also has no knowledge about Advocate Mahavir Singh. Regarding the residential address mentioned in the WILL, Jay prakash informed that the said flat was purchased by his father around 30 years back and at present, the said house exist in the name of his brother Megh Singh. The statement of Jay Prakash was also recorded. The same is enclosed as Annexure A. Jay Prakash. The same is enclosed as Annexure B. The enquiry about the address mentioned in the said Will i.e. H No N-138, Pocket N, Pallavpuram, Phase-II, Meerut from Meerut Development Authority, Meerut, UP vide letter No.1423 II/Officer Tehsil/Meerut dated 26/06/2011, Tehsildar, Meerut Development Authority, Meerut, UP informed that the said address/house is registered in the name of Jyoti Manav D/o Sh. Jay Prakash on 24.05.2001 and she is the first allottee of the abvoesaid property.

Copy of the said reply is enclosed as Annexure C. The above developments show that the said WILL in question cannot be executed in 1988 with the said address, as the same came into existence only on 24/05/2001, when the said flat was registered in the name of daughter of applicant Jay Prakash. The enquiry, regarding the registration of abovesaid WILL with Registrar Office, Kashmiri Gate, New Delhi was also conducted. During enquiry, it was revealed that the abovesaid WILL found to be registered with Registrar officer, Kashmiri Gate on 25/08/1988. The Certified copy of the abovesaid WILL was also obtained from the office of Sub-Registrar, Kashmiri Gate. The same is enclosed as Annexure D. On perusal of the copy of WILL obtained from TEST.CAS.50/2011 Page 5 of 15 petitioner Jay Prakash and from Registrar Officer, Kashmiri Gate, Delhi, bare eye scrutiny revealed lot of discrepancies with regard to name & signatures. The Witness No.1 in the abovesaid WILL Smt Raj Rani w/o Sh. Ratan Lal R/o H No.64, Gali No.3, Soni Vihar, Ajay Nagar, Palla, Faridabad (sic) was also examined, who stated that she was the owner of Rehri of food at R.K.Puram and one old person alongwith his servant from H No.52, Vasant Vihar used to visit her Rehri for the purpose of meal and some times she used to provide the meal at his abovesaid house. During this period, one day, she signed a paper at the instance of that old man. She further stated that neither she knew the contents of the same document nor the name of the said old person and his servant. She could not tell the time of signature of the said documents. Her statement was also recorded and the same is enclosed as Annexure E. The above statement raises serious doubts that a man of such a status, an IAS officer who retired as chief secretary, Haryana, having huge property in the posh area of Vasant Vihar, used to visit a Rehri for meal. Regarding the IInd Witness Sh. Mahabir Singh, Advocate, it has been informed that said advocate has already expired. Property No A-52, Vasant Vihar, Delhi is a disputed property presently lying vacant, situated at prime location of Vasant Vihar area, present worth around Rs.50 Crores. It is further intimated that in the past also, various persons have tried to grab the said property on the basis of forged and fabricated documents. In this regard, two criminal cases Vide FIR No.133/10u/s 420/467/468/471/120 B IPC PS Vasant Vihar & FIR No u/s 4

IPC PS Vasant Vihar have been registered. Presently, the above- said property is

sealed and in the custody of Honble Delhi High Court, Delhi. The investigation of Case FIR No 1

is pending investigation with EOW/Crime Branch & the investigation of Case FIR No

is being sent to EOW/Crime Branch for further investigation. Copies of TEST.CAS.50/2011 Page 6 of 15 From the enquiry conducted so both the FIRs are enclosed as Annexure F & G. far, documents collected from the office of Sub-Registrar Kashmiri Gate, Delhi, reply received from Meerut Development Authority, Meerut, UP, it is observed that execution of WILL in question, registered on 25/08/1988, at the address mentioned at N-138, Pocket N, Pallav Puram, Phase-II, Meerut, UP is highly improbable and suspicious as the said address came in existence only on 24/05/2001. Further, the glaring discrepancies between copy of WILL received from the office of Sub-Registrar, Kashmiri Gate, Delhi and copy of WILL provided by Jay Prakash raise serious doubts about the authenticity and genuineness of this document. The above sequence of events indicates towards some big land shark, who wants to grab the said property after obtaining probate orders from this Honble Court, on the basis of forged and fabricated documents. The same requires in-depth and thorough investigation to un-earth the whole conspiracy. Status Report is submitted for kind perusal please. 7. Vide order dated 06th July, 2011, this Court directed the Economic Offences Wing of the Crime Branch to conduct an inquiry. The relevant portion of the order dated 06th July, 2011 is reproduced here under:-

"1. Mr. Mohd. Ali, ACP of the Sub-Division of the Vasant Vihar, New Delhi has filed a preliminary report dated 1st July, 2011 pursuant to an inquiry conducted in terms of the order dated 3rd June, 2011 of this court. Perusal of the report shows that the following two cases stand registered by the police in respect of transactions relating to the property which is the subject matter of the instant case: (i) FIR No.133/2010 under Sections 419, 467, 468, 471, 120B IPC, registered in Police Station Vasant Vihar, New Delhi. (ii) FIR No.42/2011 under Sections 448, 34 IPC registered in Police Station Vasant Vihar, New Delhi. TEST.CAS.50/2011 Page 7 of 15 2. It is further stated that investigation in FIR No.133/2010 is pending with the Economic Offences Wing of the Crime Branch and investigation in the other case is also being sent to the same department for further investigation.

3. The preliminary status report which has been filed, suggests that certain serious offences may have been committed in respect of the property which was originally owned by Late Shri R.G. Mundkar who had originally owned property bearing no.A-52, Vasant Vihar, New Delhi. The status report raises serious doubts with regard to the genuineness of the Will dated 25th August, 1988.

4. Time is sought by Mr. Sanjay Poddar, learned counsel for L & DO to examine the matter in order to make appropriate suggestions.

5. In view of the above, it is directed as follows:-

"(i) A certified copy of the present petition along with a certified copy of the Will dated 25th August, 1988 which has been propounded by Shri Jay Prakash (petitioner herein), shall forthwith be forwarded by the Registry to the Economic Offences Wing of the Crime Branch Crime Branch which shall conduct an inquiry into the matter. (ii) A copy of the status report dated 4th July, 2011 filed before this court may also be forwarded by Shri Mohd. Ali, ACP, Vasant Vihar, New Delhi to the Economic Offences Wing of the Crime Branch which would inquire into the matter. (iii) A direction the Sub-Registrar of Documents as well as to the petitioner who is present in person in court, to ensure full cooperation with the inquiry which shall be conducted by the Economic Offences Wing of the Crime Branch. (iv) In case the inquiry discloses commission of any offence, the Economic Offences Wing shall take appropriate steps for registration of case and proceed in the matter with investigation, trial etc. as may be necessary. (v) A report in this behalf shall be placed before this court within six weeks from today. issued is to TEST.CAS.50/2011 Page 8 of 15 (vi) The Registry shall place the report received from the Economic Offences Wing before this court on the next date. (vii) A copy of this order shall be sent to the Economic Offences Wing as well. List this case on 29th August, 2011 for awaiting (viii) report from the Economic Offences Wing of the Crime Branch. (Emphasis supplied) 8. On 29th August, 2011, this Court noted that the petitioner had not produced the original Will dated 25th August, 1988 whereupon the petitioner was directed to file it within one week. The original Will was filed on 06th September, 2011 which is recorded in the order dated 08th September, 2011.

9. On 17th August, 2011, the Economic Offences Wing of Crime Branch submitted the report according to which more than one Will was executed by R.G. Mundkar for the property in question and two criminal cases were pending investigation in respect of the property in question. The relevant portion of the said report is reproduced hereunder:-

"That during inquiry, petitioner Jay Parkash was contacted who joined the inquiry and stated that from 1980 to 1995 he worked at the house of Sh. R.G. Mundkar i.e. at A- 52, Vasant Marg, Vasant Vihar as a servant. He used to prepare meal for Sh. R.G. Mundkar and performed other routine works. The petitioner also stated that sometimes a woman used to come at the house of Mr. Mundkar and give him meal. He did not know about her but can identify her. He had mentally challenged daughter and wife. Later on both of them expired due to illness. In 1994, Mr. Mundkar fell seriously ill and during that period he handed over him a typed paper and told him to keep it safe. He was got admitted in a hospital for treatment by his relatives, whom he did not know. He is also not aware about the hospital where he was treated and later on died in 1995. He further stated that in the year 2010 his son Sanjiv found a paper at his home at TEST.CAS.50/2011 Page 9 of 15 Meerut (sic) and discussed the same with his cousin Sudhir. On checking, Sudhir informed Sanjiv that it is a Will executed by Sh. R.G. Mundkar in favor of Jay Parkash. He further verified it from the office of Sub-registrar, Kashmiri gate, Delhi where the said will was found registered. On asking whether he had ever told his address as mentioned in the will to Mr. R.G. Mundkar, he was not clear. He further stated that he along with his family member was residing at the address of Meerut i.e. N-138, Daurala, Meerut U.P. since 1978 and the said house was in the name of his father viz. Roopchand whereas as per reply received from Meerut Development Authority it was informed that at present the said address is registered in the name of Jyoti Manav d/o Sh. Jay Parkash since 24.5.2001 and she is the first allottee of this property. Upon this, petitioner was asked to clarify it, but he could not answer it satisfactorily. He also handed over a self attested copy of the will dt.25.8.88. The said copy of the will was compared with the certified copy of Will dt. 25.8.88 executed by R.G. Mundkar in the name of

... Petitioner

Sh. Jay Parkash for the property bearing No.A-52, Vasant Marg, Vasant Vihar, New Delhi duly certified by Sub-Registrar-II. On scrutiny it was found that the text is the same and witnesses are also same, whereas, to ascertain the discrepancies on the document, it needs to be examined by some document examiner at FSL/GEQD. The residential address mentioned in the will as per Meerut Development Authority came into existence in 2001. However, the claim made by petitioner Jai Parkash that he was staying on this address since 1978 needs to be verified which may take some time. During inquiry, a letter to Dy. Director (Residential) DDA, Vikas Sadan, New Delhi for providing the details regarding mutation of property A-52, Vasant Vihar, New Delhi and other documents of the property was sent. A reply was received from Dy. Director, Coop. Societies, stating therein that the main file bearing No.F.1(360)78/CS/DDA in respect of property No.A-52, Vasant Vihar has already been seized by CBI as per seizure memo dt. 8.12.08 and under these circumstances the requisite information/documents in TEST.CAS.50/2011 Page 10 of 15 respect of the said property cannot be supplied. The DDA office also enclosed a copy of seizure memo dt. 8.12.98 which reveals that Insp. Vishal, CBI, BS & FC, New Delhi, seized the above said file in a case RC.BDI/2008/E/0005 dt. 27.8.2008 from Sh. S.S. Rawat, a UDC at Vikas Sadan, DDA, New Delhi. This aspect was verified from BS & FC branch of CBI, New Delhi from where it was found that the above case was registered on the complaint of Shri S.R. Kaushik, Chief Manager, Union Bank of India, Sadar Bazar, Delhi alleging therein that the Directors of M/s Duro Marketing Pvt. Limited namely Mukesh Jain, Anil Dhall and Mr. R.G. Mundker were of Rs.4,46,89,558.22 and to secure it the above accused persons offered the security by way of equitable mortgage in favour of the bank with respect of property No.A-52, Vasant Marg, Vasant Vihar, New Delhi standing in the name of Shri R.G. Mundkar. After completing the investigation the charge sheet was filed in the Court which is pending trial in the court of ASJ, Patiala House and fixed for prosecution evidence on 26.8.11 as informed by Pairvi Officer of CBI Sh. Anil Rawat. However, the details are yet to be collected. sanctioned a credit facility It is pertinent to mention here that various persons have tried to grab the above said property on the basis of forged and fabricated documents. In this regard two criminal cases vide FIR No.1

u/s 420/467/468/471/120B IPC PS Vasant Vihar and FIR No.

U/s 4

IPC PS Vasant Vihar, New Delhi have been registered. The case FIR No.1 was registered on the orders of Ld. MM Patiala House u/s 156.3 Cr.P.C. on the complaint of Ms. Sheetal Mehlawat wherein she submitted that one unknown property dealer contacted them at their residence and he was having photocopies of the will in the name of R.B. Pandey for the House No.A-52, Vasant Marg, Vasant Vihar, New Delhi. He told her that this photocopy has been given to him by another person namely Mr. Dutta @ Mukesh Jain for the sale of the property. The complainant further stated that Mukesh Jain was the same person who obtained loan on the above property and was arrested in the matter by CBI in TEST.CAS.50/2011 Page 11 of 15 in question. The instant case was RC/CDI/2008/005 dated 27.8.2008 for taking loan under false ownership documents of the property in question. The complainant also stated that regarding the above mentioned house, a civil case bearing TEST CASE No.

is pending in the Hon,ble High Court of Delhi and the keys of the house has been deposited in the High Court and the house is closed with the orders of Honble High Court. The complainant has alleged that she has apprehension that alleged persons Mukesh Jain, R.B. Pandey, Vijay Sisodia and Anil Chhabra, the Property Dealers in connivance with each other prepared the forged will in favour of R.B. Pandey and tried to sell the property initially investigated by local police and has now been received in EOW, for further investigation. During investigation the complainant was asked to produce the documents in support of allegations leveled in her complaint but due to one reason or the other she could not produce any documents and this fact was also brought into the notice of Ld. MM of Saket Court that the complainant is not cooperating in the investigation. The complainant was again asked to produce the required documents who joined the investigation along with her mother on 11.8.2011 and stated that her father Late Major Partap Singh Mehlawat had purchased the property in question from R.G. Mundker long time back and the documents regarding the purchase / ownership / transfer executed between her father and R.G. Mundker are in Delhi High Court in CS(OS)/2558/1997 filed by her along with mother and others against her step brothers namely Sunil Mehlawat and others over the distribution of assets of his

late father. She further stated that she will hand over the photo copies of all the documents very soon. Further investigation of the case is in progress. Case FIR No.42/2011 u/s 4

IPC P.S. Vasant Vihar was received for further investigation in EOW on 6.7.2011 from local police. This case was registered on the complaint of Local Commissioner, Advocate appointed by Honble Delhi High Court to inspect the property in question i.e. A- 52, Vasant Marg, Vasant Vihar, Delhi in CS(OS) 2558/1997 TEST.CAS.50/2011 Page 12 of 15 complainant Shri Rajeev Bansal, titled Smt. Kishan Devi and ors. Vs Sunil Mehlwat and ors. The the Local Commissioner alleged that as per order dated 17.1.2011 passed by Honble Delhi High Court in the above suit, he was directed to inspect the said property on 28.1.2011. The keys of the property were directed to be released in his name. He reached at the property A-52, Vasant Marg, New Delhi and found a board fixed on the main gate which read H.K. Chhabra, Advocate, Supreme Court of India The gates were opened. A lock was hanging on the chain when he along with Amit Mahajan, Advocate entered in the property. They were accosted by two persons who objected the entry and questioned their identity. These two persons were apprised of the order dated 17.1.2011 of Honble Delhi High Court. One of two person Shri H.K. Chhabra represented that he is owner of the property having recently purchased the same but he refused to divulge the details. Mr. Rajiv Bansal reached at the spot in the presence of police officers and entered in the property and found that the lock of the main door had been changed. Other doors inside the house were open. The main doors lock was replaced with new one in presence of the police officers. During investigation by local police, PWs were examined and photographs of the spot were taken and accused persons H.K. Chhabra, Sanjay Chauhan and Jagvinder Singh were arrested in the case. The photocopies of the documents provided by the accused H.K. Chhabra were taken into police possession out of which one document was a copy of will dated 28.1.1971 executed by R.G. Mundker in favour of Shri R.B. Pandey for the property in question which was got prepared from Meerut. The genuineness of the documents so seized from the possession of the accused H.K. Chhabra are being verified during further investigation of the case. From the enquiry conducted so far, documents collected from office of Sub-Registrar, Delhi and reply received from

DDA and Meerut Development Authority, Meerut, it is apparent that there are apparently more than one will executed by R.G. Mundker for the property in TEST.CAS.50/2011 Page 13 of 15 question. Two criminal cases as discussed above are pending investigation in respect of transaction relating to the property in question. Since the investigation/enquiry requires a thorough probe to ascertain the genuineness of the will in question which may take some more time, hence, it is humbly prayed that some more time may please be granted please. 10. This Court is of the view that the petitioner has not disclosed sufficient cause for condonation of delay of 1199 days in filing the application for restoration. The illiteracy by itself is not a ground for condonation of delay. The petitioner claimed to have been repeatedly requesting his counsel to inform the status of the case from 2014 to 2016. However, no material has been placed on record to show as to how and when he contacted his counsel. Even the name of the counsel is not mentioned in the application. This Court is of the view that the petitioner deliberately stopped appearing in 2014 considering that the law treats a forgery of Will equal to murder by prescribing life imprisonment for forgery of a Will. Forging a Will is an offence under Section 467 of the Indian Penal Code punishable with imprisonment upto life. Section 467 of the Indian Penal Code is reproduced hereunder: - Section 467. Forgery of valuable security, will, etc.- Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security, shall be punished with imprisonment for life, or with imprisonment of either description TEST.CAS.50/2011 Page 14 of 15 for a term which may extend to ten years, and shall also be liable to fine. 11. There is no merit whatsoever in the application for condonation of delay. I.A.10634/2017 seeking condonation of delay of 1199 days is dismissed. I.A.10633/2017 seeking restoration is also dismissed.

12. This Court notices another petition for grant of probate has been instituted by the driver of deceased i.e. Harjinder Singh which is pending before the District

Judge at the Patiala House Courts. The record of the Probate Case No.72/2016 titled Harjinder Singh v. State was requisitioned and as per the petition of that case, the petitioners father, Sardul Singh was working as a driver with R.G. Mundkar from 8-10 years and after the demise of his father on 11th April, 1989, the petitioner started serving as driver till the death of R.G. Mundkar and due to love, affection, services and care provided by the petitioner and his father, R.G. Mundkar executed a duly registered Will dated 27th March, 1991 bequeathing the property bearing No.52, Vasant Vihar, New Delhi in favour of Harjinder Singh.

13. This Court is of the view that if a Court dealing with a probate case comes to the conclusion that the Will is forged, the prosecution of the offender should be initiated under section 467 of IPC by invoking Section 340 of the Code of Criminal Procedure.

14. The record of the Probate Case No.72/2016 along with the copy of this judgment be sent back.

15. Copy of this judgement be given dasti to learned counsels for the parties under signature of Court Master. AUGUST14 2018/ak J.R.MIDHA, J.

TEST.CAS.50/2011 Page 15 of 15

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