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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 627/2025

MS. SAMAIRA KAPUR & ANR.Plaintiffs

Through: Mr. Saurav Agrawal, Mr.
Akhil Sacher, Mr. Manas
Arora, Mr. Syed Hamza
Ghayar, Mr. Raghav
Thareja and Mr. Tazeen
Ahmad, Ms. Rasveen Kaur
Kapoor, Advs.

versus

MRS. PRIYA KAPUR & ORS.Defendants

Through: Mr. Ankit Rajgarha, Mr.
Tarun Sharma, Ms. Palak
Sharma and Mr. Rohit
Kumar, Advs. for D-1 & 2
Ms. Vidisha Jain, Mr.
Jaiveer Kant and Ms. Meher
Thapar, Advs. for D-3.
Appearance not given for
D-4.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. GAGANDEEP
JINDAL (DHJS)**

ORDER

26.02.2026

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Proceedings are being conducted through hybrid mode.

I.A. No. 26858/2025 (u/S 151 CPC for inspection of the original of the alleged will of late Mr. Sunjay Kapur filed by defendant no. 4 in sealed cover on 25.09.2025)

IA No. 3208/2026 (U/S 151 CPC seeking inspection of the original of the purported will of late Mr. Sunjay Kapur filed by defendant no. 4 in sealed cover)

1. Ld. Counsel for defendant nos. 1 & 2 submits that reply in I.A. 3208/2026 has been filed with delay and application for condonation of delay has been filed which is not listed yet. Therefore, request for adjournment is made.
2. Ld. Counsel for the plaintiff strongly opposed the request for adjournment on the ground that on last date of hearing



the adjournment was granted in I.A 26858/2025 on the request for Ld. Counsel for defendant nos. 1 & 2 that he wish to file reply in I.A.3208/2026.

3. The prayer in I.A 26858/2025 and I.A. 3208/2026 is same but have been filed by different parties. Defendant nos. 1 & 2 have already filed their reply in I.A 26858/2025. On 05.02.2026, Ld. Counsel for defendant nos. 1 & 2 had sought time to file reply in I.A 3208/20026 and requested for adjournment to address arguments in I.A 26858/2025 on the ground that the prayer in both the IAs is same. But the defendant nos. 1 & 2 have failed to file reply in I.A 3208/2026 within the time granted to them. It seems that defendant nos. & 2 are deliberately delaying the adjudication of the captioned IAs. In these facts and circumstances, request for adjournment is declined.
4. Arguments heard.
5. Ld. Counsel for defendant no. 4 submits that he has no objection to the captioned IAs but the inspection of the original Will be allowed only by the parties or their advocate and not by the forensic/handwriting experts.
6. Ld. Counsel for plaintiff argued that counsel for defendant no. 4 has provided the true copy of alleged Will through email on 15.09.205. The original Will was filed in the court on 21.09.2025. The inspection of the original will is necessary for the plaintiff to take appropriate steps to ascertain the authenticity and genuineness which has been disputed by the plaintiff. Therefore, the plaintiff be permitted to inspect the original Will of Late Mr. Sanjay Kapur dated 21.03.2025 filed by defendant no.4 in sealed cover before the Hon'ble Court on 25.09.2025 alongwith



handwriting/forensic

7. *Per contra*, Ld. Counsel for defendant nos.1 & 2 oppose the application on the ground that captioned IAs u/S 151 are not maintainable because order XI CPC read with Rule 3 of Chapter VIII Delhi High Court (original side) Rules, 2018 provides for inspection and examination of documents. He further argued that the court of Registrar has no jurisdiction to adjudicate the captioned IAs. The plaintiff till date has not challenged the authenticity of said Will. The plaintiffs have not invoked Rule 26 of Chapter XI of Delhi High Court (OS) Rules nor shown any cause for concealing the Will.
8. The plaintiffs request for handwriting and forensic examination of the Will should be deferred at the appropriate stage for evidence. He further argued that the plaintiffs have executed non disposal agreement in compliance of directions of Hon'ble Court vide order dated 26.09.2025. Therefore, the forensic experts cannot be allowed to inspect the original Will.
9. I have gone through the records.
10. Vide order dated 10.09.2025, the Hon'ble Court passed the following order for inspection of any document “ 8... *if any party wishes to seek inspection of any document (s), the same shall be done in accordance with Delhi High Court (OS) Rules, 2018*”.
11. Rule 3 of Chapter II Delhi High Court (OS) Rules provides for the power of the registrar. Sub Rule (24) provides that Registrar may exercise the powers for adjudication applications for orders for discovery and for orders concerning admission, production and inspection



of documents.

12. Mere filing of original Will in the sealed cover does not bar the powers of Registrar under sub Rule (24) of Rule 3 of Chapter II of Delhi High Court (OS) Rules to adjudicate the applications for inspection of original Will.
13. On 26.09.2025, the Hon'ble Court had disposed off I.A.No. 24194/20225 filed on behalf of defendant nos. 1 & 2 to permit defendant no. 1 to file list of assets of Late Sh. Sanjay Kapur in a sealed cover with further directions to the parties to maintain confidentiality regarding the list of assets upon receiving the copy etc. during the adjudication of the said application, Ld. Senior counsels for plaintiff, defendant no.1 & defendant no.3 submit that the details of the assets of late Sh. Sanjay Kapur shall not be shared with media. Thereupon the Hon'ble Court directed defendant no. 1 to file list of witnesses of late Sh. Sanjay Kapur in a sealed cover within three days with advance copies to counsels on record for plaintiffs and defendant no.3.
- 14.No orders have been passed by Hon'ble Court for maintaining the confidentiality of the Will of Late Sh. Sanjay Kapur. Therefore, mere execution of non disclosure agreement with regard to list of assets of late Sh. Sanjay Kapur does not curtail the right of plaintiffs and defendant no. 3 to inspect the original Will of late Sh. Sanjay Kapur kept in sealed cover with the registry.
- 15.There is no merits in the arguments of Ld. Counsel for defendant nos. 1 & 2 that court of Registrar has no power to adjudicate the application for inspection of original Will of late Sh. Sanjay Kapur kept in sealed cover.



16. Chapter XI Rule 26 of Delhi High Court (OS) Rules does not create any bar on inspection of any document kept in sealed cover by the registry. It deals with the production of the documents kept in sealed cover by the registry during the recording of the evidence.

17. In view of the above discussion, the undersigned find no merits in the arguments of Ld. Counsel for defendant nos. 1 & 2 that the captioned IAs are not maintainable rather the plaintiffs and defendant no. 3 have legal right to inspect the original will of late Sh. Sanjay Kapur kept in sealed cover to ascertain its authenticity and genuineness and to prepare their case.

18. Accordingly, the plaintiffs and defendant no. 3 or through their authorised pleaders/forensic or handwriting experts are allowed to inspect the original Will of late Sh. Sanjay Kapur kept in sealed cover with the registry. The registry shall allow plaintiffs and defendant no.3 to inspect the original Will of late Sh. Sanjay Kapur kept in the sealed cover on 10.03.2026 at 03:00 p.m in the presence of authorised counsel for defendant nos. 1 & 2 as per rules but will not allowed any party to take photograph or copy of the said original Will kept in the sealed cover. If the authorised counsel for defendant nos. 1 & 2 failed to remain present on the said date and time, the plaintiffs and defendant no. 3 shall carry on the inspection of the original Will in the absence of authorised counsel for defendant no.1 & 2.

19. The captioned IAs are disposed off accordingly.

IA No. 2205/2026 (U/O XI Rules 12 & 14 r/w section 151 CPC seeking production and deposit of the mobile instruments of defendant no.1 & the deceased father of



the plaintiffs with the custody of this hon'ble court and its preservation thereof)

IA No. 2206/2026 (u/s 151 CPC seeking appropriate directions for preservation and production of call data records pertaining to the mobile phone numbers of defendant no. 1 and deceased)

20.Ld. Counsel for defendant submits that the reply has been filed but with delay. An application for condonation of delay in filing the reply has been filed.

21.Ld. Counsel for the plaintiff submits he has no objection if the delay in filing the reply be condoned.

22.Considering the submissions, the delay in filing reply on behalf of defendant no. 1 to the captioned IAs is condoned.

23.Defendant no. 1 & 2 will take appropriate steps for bringing their reply on record.

24.Ld. Counsel for plaintiff submits that he does not wish to file rejoinder.

25.Pleadings are complete.

26.Ld. Counsel for plaintiff submits that CDRs of any mobile number are preserved by the service provider only for one year. Therefore, the captioned IA may be put up before the Hon'ble Court at the earliest otherwise it will become infructuous.

27.Re-notify the I.A No. 2205/2026 and IA No. 2206/2026 before the Hon'ble Court for further directions on **10th March, 2026.**

**GAGANDEEP JINDAL (DHJS)
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 26, 2026/PU

Click here to check corrigendum, if any