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

+ TEST.CAS. 10/2025

LALIT TEHLAN

.....Petitioner

Through: Mr. Sanjeev Kakra, Sr. Advocate
along with Ms. Disha Bajaj, Ms. Priya
D Arora, Mr. Jay Bhardwaj, Mr.
Akash Madaan, Advocates.

versus

STATE OF NCT OF DELHI AND ORS & ORS.

.....Respondents

Through: Mr. Anubhav Gupta, Panel Counsel
(Civil) GNCTD/R-1.
Mr. Abhinav Vashisht, Sr. Advocate
along with Advocate Divyakant
Lahoti, Ms. Akshita Sachdeva Jaitley,
Mr. Adith Menon, Advocates for
Respondent No.2 & Respondent No.3

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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04.02.2025

I.A. 2332/2025 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. Applicant shall file legible, clear, true typed, original and certified copies of the documents on which the applicant may seek to place reliance before the next date of hearing.
3. Accordingly, the present application is disposed of.

I.A. 3039/2025 (Application under Order VI Rule 17 for amendment of petition)

1. Pursuant to the previous order dated 29th January 2025, this application has been moved under Order VI Rule 17 of CPC for amendment of the petition.



2. In view of what has been stated in the said order, the application is allowed.
3. The amended petition be taken on record.
4. Accordingly, the present application is disposed of.

TEST.CAS. 10/2025

1. By this petition under Section 278 of the Indian Succession Act 1925, petitioner seeks grant of Letters of Administration in respect of the estate of Late Mr. Rohit Bal (*'testator'*) as per his unregistered/notarized Will dated 30th October 2023.
2. Mr. Rohit Bal was resident of C-328, First & Second floor, Defence Colony, New Delhi-1100024 (*'Defence Colony property'*). He passed away on 1st November 2024 at Aashlok Hospital, New Delhi. Copy of the death certificate issued by the MCD has been filed.
3. It is stated that the Will was signed and executed by testator in the presence of two attesting witnesses, Mr. Akhilesh Sharma & Mr. Deepak Panwar, who also appended their signatures in the presence of the testator, and have filed their affidavits.
4. It is stated that the testator was not married and had no Class-I or Class-II heirs. He left behind only the following Legal Heirs at the time of his death.

NAME OF THE LEGAL HEIR	RELATIONSHIP WITH THE DECEASED
Mr. Rakesh Bal	Step Brother
Mr. Rajiv Bal	Step Brother



5. It is stated that the testator was the absolute and exclusive owner and in possession of the Defence Colony property, and was one of the Directors of *M/s Rohit Bal Designs. Pvt. Ltd.* having factories at B-22/23, Noida, UP (*'Noida factory'*) and G-76, Kasna, Greater Noida, UP (*'Kasna factory'*) and was holding majority shareholding in the company.

6. It is stated in the said application that the testator had bequeathed all his movable and immovable properties including the Defence Colony property, as also their shareholding in *M/s Rohit Bal Designs Pvt. Ltd.* exclusively to petitioner *vide* Will dated 30th October 2023.

7. List of assets (*both movable and immovable*) as claimed, is appended in *Schedule A* to the petition and extracted as under:

S. NO.	PARTICULARS	ESTIMATED VALUE (IN Rs.) (APPROXIMATELY)
1.	First Floor, Second Floor with Roof Rights of Property bearing No. C- 328, Defence Colony, New Delhi- 110024	12.00 Crores
2.	Bank Balance in the Canara Bank, INA Branch, Delhi, Savings Account No. 90072010164411	Not Aware
3.	Fixed deposits in the Canara bank INA Branch, Delhi, Savings Account No. 90072010164411	Not Aware
4.	Balance in Provident Fund Account in the name of Late Sh. Rohit Bal with Bank or Post Office	Not Aware



5.	Expensive Artifacts, Painting, Sculptures, Expensive Watches etc. at C-328, First Floor and Second Floor, Defence Colony, New Delhi-110024 as per the Insurance Policy issued by National Insurance for the period 05.07.2024 till 05.07.2025.	4.34Crores
6.	Safe (Tijori) which has cash and expensive articles including gold etc. at C-328, First Floor and Second Floor, Defence Colony, New Delhi-110024	1.50 Crores
7.	Expensive Artifacts, Painting, Sculptures, Expensive Watches etc. lying at Factory at B - 22/23, Sector 3 Noida.	Not Aware
8.	Majority shareholdings of Late Sh. Rohit Bal in Rohit Bal Designs Pvt. Ltd. 22692 out of 24175 shares with a face value of Rs.100 each. (Book/Market value is not available.)	22,69,200/-
TOTAL		18,06,69,200/-

8. Counsel for State accepts Notice.

9. The State shall take steps to place a valuation report, with respect to the immovable property at serial No.1 of the said Schedule, within the next four weeks.

10. Counsel for respondent nos.2 & 3 accepts Notice.

11. Citations be issued in *The Times of India (English)* and *Navbharat Times (Hindi)*, with circulation in National Capital Region.



12. List before Joint Registrar (Judicial) on 06th March 2025.
13. Mr. Abhinav Vashisht, Senior Counsel seeks to intervene in the said matter on behalf of purported Class-II heirs, which are the surviving daughter/respondent no.2 (*Ms. Rupam Yashwin Khatari*) and son/respondent no.3 (*Mr. Anmol Zul Vellani*) of the father of the testator (*Prakash Bal*), born out of wedlock with his first wife (*Ms. Nirmal Bal*).
14. Needless to state, and without adverting to the merits of the claim/rights, they are at liberty to pursue rights, if any, in accordance with law.

I.A. 2333/2025 (Application seeking ex-parte ad interim injunction)

1. This application has been filed under Order XXXIX Rule 1 & 2 of CPC by petitioner seeking *ex-parte ad interim* injunction.
2. It is stated that besides the immovable property at Defence Colony, the shareholding, the bank balances and fixed-deposits, PF account, there were also movable properties, including expensive artifacts, paintings, sculptures etc. lying in the residence at Defence Colony property, including cash and other assets.
3. Senior Counsel for petitioner points out, that testator has insured the immovable property at Defence Colony, along with some other movables lying at his residence with National Insurance Company Limited. The said insurance document has been placed on record which bears out that there is a policy dated 5th July 2024, issued by the National Insurance Company, relating to Defence Colony property and movables as per list attached along with the policy.
4. Senior Counsel for petitioner states that petitioner used to reside with the testator at his residence. However, post the death of the testator, he



discovered that the locks to the premises had been changed by respondent Nos.2 & 3 and they also stationed their security guard at the property, to prevent petitioner from gaining access.

5. It is, therefore, apprehended, considering there is animosity which has been expressed towards petitioner, that respondent nos. 2 & 3 or third parties will usurp the estate of the deceased, to the detriment of the beneficiary of the Will i.e. petitioner. In this light, directions are sought.

6. Accordingly, to avoid dissipation of the estate of the testator, there will remain a *status quo* on the movable and immovable assets which are attached in **Schedule A** to the petition or any other property or asset, which are left behind by the testator, which is not known and listed.

7. Issue Notice to the respondents on steps being taken by petitioner, through all permissible modes, including e-mail.

8. Counsel for respondent nos. 2 & 3 accepts Notice.

9. Statement has been made by Mr. Sanjeev Kakra, Senior Counsel for petitioner, that as part of his briefing team, 'Mr. Vaibhav Sharma' and 'Mr. Gurmukh Choudhri' (who had submitted their appearance online on the previous date i.e. 29th January 2025) are neither part of his briefing team nor have filed their *vakalatnamas*.

10. Accordingly, their names are deleted from the list of counsels appearing for petitioner in order dated 29th January 2025.

11. The Court expresses its serious reservation of counsels submitting their appearance without *vakalatnamas* and/or without instructions to appear.

12. List before the Court on 26th March 2025.



I.A. 2334/2025

1. This application has been filed under Section 247 of the Indian Succession Act, 1925 seeking appointment of Administrator *pendente lite* of the estate of the testator.

2. It is stated that the testator was owner of various expensive artifacts, paintings, sculptures, personal belongings, expensive watches etc. lying at the Defence Colony property and Noida factory. At the Defence Colony property, there is apparently a safe (*tijori*) which has expensive articles including gold, cash etc.

3. As per petitioner, the testator had taken a household insurance from National Insurance Company Ltd. The policy, which is appended to the petition, is dated 5th July 2024 and is valid till 4th July 2025. While the building is ensured for Rs.6 Crores, the contents in the building are insured against fire, perils, as well as, burglary and housebreaking for approximately Rs.4.34 Crores. The details of the property, which is insured, is appended along with the insurance policy (*list of insured articles*).

4. In view of the facts and circumstances, considering there is an apprehension of dissipation of assets of the testator, the Court deems it fit to issue directions for inventorization of the movable assets, which are present in the Defence Colony property and the Noida Factory. For this purpose, the following directions are passed:

- I. Two Local Commissioners are appointed, with details as under, for ***inventorization*** of the movable assets which are present in the Defence Colony property and the Noida Factory. The same shall also



be tallied with the list of assets in the petition, and the list with the insurance policy.

II. Accordingly, the following Local Commissioners are appointed:

S.No.	Name	Email	Phone No.
1.	Sowmya Saikumar	sowmyasaikumar@gmail.com	+919891239259
2.	Amer Vaid	amervaid@gmail.com	+919818239395

III. The Commissions will be executed in the following premises, the details of which are provided, as under:

S.No.	Address
1.	C-328, Defence Colony, New Delhi- 110024
2.	B-22/23, Sector 3, Noida, Uttar Pradesh-201301

IV. Fee of each Local Commissioners is fixed at Rs. 1 Lac per day. The same shall be paid in advance by petitioner.

V. The Commission shall be executed on 13th February 2025 from 10:00 A.M. till 05:00 P.M. at the Defence Colony property and on 15th February 2025 at the Noida factory. If the Commissions cannot be executed on the date stipulated, it may be executed on a subsequent day, based on the convenience of the Local Commissioners.

VI. Miscellaneous out-of-pocket expenses on actuals, for the execution of the Commissions shall be paid additionally to the Local Commissioners, by petitioner.



- VII. The Local Commissioners will be allowed access to both the said premises by the parties who are in control of the respective premises.
- VIII. In case of any hindrance in getting access to either premises, the Local Commissioners will be entitled to break/open the lock & key, in the presence of the local SHO or any other authorized person from the local police station.
- IX. The Local Commissioners shall also determine under whose lock and key/control is each of these premises and shall add the details to their report.
- X. The Local Commissioners shall *photograph/videograph* the said execution of Commissions, and for that purpose, they are permitted to requisition a photographer. The expenses of the photographer shall be paid by petitioner.
- XI. The Station House Officer (SHO) of the jurisdictional Police Station or a duly designated officer is directed to render necessary assistance to the Commissioners, to ensure that the Commissions are executed without any disruption.
- XII. Petitioner or his authorized representative, along with counsel for petitioner, will be permitted to accompany the Commissioners during the execution of the Commissions.
- XIII. Respondent nos. 2 & 3 or their authorized representatives, along with counsels, will be permitted to accompany the Commissioners during the execution of the Commissions.
- XIV. The parties are directed to cooperate in the execution of the Commissions and allow the Commissioners access to all parts of both the premises.



- XV. It is stated by Senior Counsel for parties, that neither party has access to the locker (*tijori*), in which expensive articles are stored at Defence Colony property. The Commissioners will, therefore, requisition in advance, the assistance of professional safe/locker company, to break/open the safe. The fee/cost for the same, shall be borne by petitioner.
- XVI. The articles lying in the safe shall be duly *inventorized* and *photographed*. After the exercise, the articles from the safe will be placed in a new safe (*key operated*) of a reputed company, which shall be provided by petitioner. Any other valuable articles lying outside shall also be placed in the new safe, after which the safe will be *sealed* and secured by the Commissioners. All the keys of the safe shall be taken by the Commissioners, to be deposited with the Registry of this Court, in a sealed cover.
- XVII. The Local Commissioners shall submit their collective report with inventories/photographs/video recordings/observations, etc. within three weeks of the execution of the Commissions.
5. Submission was made on behalf of petitioner that valuable and expensive pieces of art and carpets are also present in the premises, which would require *inventorization*. For this purpose, it would be necessary to appoint an Independent Art Consultant. Accordingly, the following directions are passed:
- I. Ms. Poonji Nath is appointed as an Independent Art Consultant, who shall be accompanied with her assistant, Ms. Navina Lamba. The details of the persons appointed are as under:



S.No.	Name	Email	Phone No.
1.	Poonji Nath	pn@poonjinath.art	+919818062845
2.	Navina Lamba	navina@poojinath.art	+919910452892

- II. The Independent Art Consultant and her assistant will create an *inventory* of the art at the Defence Colony property on 13th February 2025 between 10:00 AM - 5:00 PM & at the Noida Factory on 15th February between 10:00 AM - 5:00 PM. If the Commissions cannot be executed on the date stipulated, it may be executed on a subsequent day, based on the convenience of the Independent Art Consultant.
- III. The Independent Art Consultant shall submit her report (which shall be prepared with the assistance of the Commissioners) with details of inventory/photographs/video recordings etc. within three weeks, thereafter.
- IV. Each of the art pieces as part of the inventory, shall be tabulated along with the basic details of the art work and with *photographs* of the said art piece, which could be potentially used for valuation purposes in the future. For that purpose, they are permitted to requisition a photographer. The expenses of the photographer shall be paid by petitioner.
- V. Fees of Rs. 2 lacs per day, shall be paid to the Independent Art Consultant and fees of Rs. 1 lac per day, shall be paid to the assistant, for the said purpose. The said amount will be paid by petitioner in advance.



- VI. Miscellaneous out-of-pocket expenses on actuals, of the Independent Art Consultant and assistant, shall be paid additionally to them by petitioner.
- VII. The parties are directed to cooperate and allow access to the Independent Art Consultant and assistant, to all parts of both the premises.
6. The notes of all on-the-spot proceedings shall be duly signed by the Commissioners and in relation to the art inventory, by the Independent Art Consultant and their assistant, and all documents shall be duly witnessed by the parties/authorized representatives/counselors, who are present during the execution of the Commissions.
7. Before this order was signed, the matter was mentioned in Court by Senior Counsel Mr. Abhinav Vashisht, on behalf of respondents, regarding certain articles that were moved out from the Defence Colony property for storage and safe-keeping purposes, and shifted to the following addresses:
- (i) *Annexe room of Farm House No.8, Rajico Lane, Mustatil No.32, Killa No.22, Village Jonapur, New Delhi-110047.*
- (ii) *Rohit Bal Store, DLF Emporio, Nelson Mandela Marg, Vasant Kunj II, New Delhi-110070.*
8. As per oral directions of this Court today (on 7th February 2025), an affidavit has been handed over on behalf of respondent no.3 in Court, whereby, he undertakes to shift back the said articles to the Defence Colony property. The said affidavit dated 7th February 2025, is extracted as under:



IN THE HIGH COURT OF DELHI AT NEW DELHI

TEST. CAS. NO. 10 OF 2025

IN THE MATTER OF:

LALIT TEHLAN

.... PETITIONER

VERSUS

STATE & ORS.

.... RESPONDENTS

AFFIDAVIT

I, Rajiv Bal, S/o Late Shri Mohinder Bal, aged 70 years, R/o 310, Aralias, inside DLF Golf Course, Sector – 42, Gurugram, Haryana – 122009, presently at New Delhi, do hereby state and affirm as under:-

1. That I am brother of Late Mr. Rohit Bal and am arrayed as Respondent No. 3 in the above said matter and as such well acquainted with the facts and circumstances of the present case, hence, competent to swear this Affidavit.
2. That Mr. Rohit Bal passed away on 01.11.2024. A prayer meeting for him was held on 12.11.2024 at C-328, Defence Colony, New Delhi-110024.
3. I state that it was noticed that there was seepage, fungus and termite infestation in parts of the property and as such it was decided by the family to safe guard the articles, to move out various articles lying therein, such as carpets, paintings, curios, artifacts, sculptures, furniture etc., in the interim while repair, maintenance and painting of the property would be carried out. The articles were to be brought back after carrying out the necessary repairs/treatment/restoration.

Hereafter, from around the first week of December 2024 onwards articles were removed from time to time for repairs, storage and safe keeping.



Rajiv Bal



5. I state that we were in talks with contractors to undertake the repair/restoration/painting at the property. Urban Company was booked in order to undertake full home cleaning of the property on 08.01.2025 and 11.01.2025. Certain articles were sent for dry-cleaning.
6. As on date, out of the above, approximately 95 (ninety-five) number of paintings/frames (duly numbered), and some curios, artefacts, crockery, sculptures etc. are stored at Annexe room of Farm House No. 8, Rajico Lane, Mustatil No.32, Killa No. 22, Village Jonapur, New Delhi-110047.
7. That furthermore, certain articles such as 3 (three) carpets, a desk, chair, 2 (two) cabinets and mirror were required to be repaired and were sent for repairs.
8. As on date, 3 (three) carpets, which have been repaired/restored/cleaned are currently being used at the Rohit Bal Store, DLF Emporio, Nelson Mandela Marg, Vasant Kunj II, New Delhi-110070.
9. Remaining articles are still lying at C-328, Defence Colony, New Delhi-110024.

10. I say that in the light of the views expressed during the mentioning before this Hon'ble Court today, the Deponent shall be shifting back the said articles to the property.



[Signature]
DEPONENT

VERIFICATION:

107 FEB 2025

Verified at New Delhi on this 7th day of February 2025 and state that the contents of paragraphs 1-10 of the above affidavit are true and correct and nothing material has been concealed therefrom.

CERTIFIED THAT THE DEPONENT
Shri/Smt. *[Signature]*
S/o. W/o. *[Signature]*
Identified
has sworn on *7/2/25* before me at *[Signature]*
that the contents of the affidavit which have
been read and explained to him/her are true
and correct to his/her knowledge.

[Signature]
DEPONENT

[Signature]
Ramraj Singh
2/2/25



9. It is directed that respondents shall be bound by this undertaking and shift back all such articles as noted in the affidavit, to the Defence Colony property, before the execution of the Commissions on 13th February 2025.
10. The Local Commissioners on their behalf, or the Independent Art Consultant, shall approach the Court for any further directions, if so necessitated.
11. The plea of petitioner for appointment of Administrator remains open to be adjudicated and will be taken up on the next date of hearing.
12. List before the Court on 26th March 2025.
13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 4, 2025/ak/na