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

% ***Date of Decision: 20<sup>th</sup> August, 2025***

+ **CM(M) 686/2025 & CM APPL. 22222/2025  
MEHAR KAUR TALWAR**

.....Petitioner

Through: Mr. Parmesh Bali, Mr. Shivam  
Srivastva, Mr. Subodh Kumar, Mr.  
Rajdev Kumar and Mr. Gagan Garg,  
Advocates.

versus

**GURJIT SINGH TALWAR**

.....Respondent

Through: Mr. Ved Prakash Verma, Mr. Praveen  
Aggarwal, Mr. Ayush Goel and Ms.  
Tanvi Garg, Advocates.

**CORAM:  
HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. The point raised in the present petition is very short.
2. The petitioner is daughter of Mr. Gurjit Singh Talwar (respondent herein) who has filed a suit for declaration and permanent injunction.
3. In such suit, she has been arrayed as defendant No.1.
4. She was duly served with the summons, and was represented by a counsel before the learned Trial Court. Her instructions to her counsel was, however, suggesting that she was not keen in contesting the matter. Her counsel, while stating so, also informed that she wanted to submit affidavit and that the *Will*, which according to the plaintiff/respondent was forged, was,



actually, genuine one.

5. Fact, however, remains that since her counsel had made a specific statement that defendant No.1 was not interested in contesting the matter, her defence has been struck off.

6. Such order is under challenge.

7. Learned counsel for defendant No.1 submits that, there was some communication gap and though, the instructions were appropriately conveyed to the learned Trial Court but, at the same time, defendant No.1 wanted to highlight an important aspect related to the *Will* and according to her stand, the *Will* in question is a genuine *Will* and, somehow because of the fact that her defence has been struck off, she is not in a position to bring the abovesaid fact to the fore.

8. It is in the abovesaid backdrop that the present petition has been filed.

9. Learned counsel for respondent/plaintiff submits that the petitioner is now attempting to take a u-turn which is not permissible.

10. Fact, however, remains that the petitioner is defending a suit filed by her father and is reportedly settled in Canada and learned counsel for petitioner submits that her sole endeavour, at the moment, is to, at least, permit her to submit her version on record by filing a written statement.

11. Since she was duly served on 03.09.2024 and was in contact with her counsel, ideally speaking, she should have filed written statement within the permissible limit.

12. The case is, however, still at the initial stage as issues have yet not been framed by the learned Trial Court.

13. Keeping in mind the overall facts of the case, and also appreciating the fact that though the defendant was not very keen in defending the matter but



also wanted to place her version before the learned Trial Court, the present petition is disposed of with direction to her to file written statement within four weeks before the learned Trial Court. She would also submit her contact details i.e. e-mail ID and mobile number.

14. However, the learned Trial Court has, already, in terms of order dated 28.11.2024, directed her to also disclose her current residential/work address as well and if she, for any specified reason, is not willing to disclose her current address to her father, let an appropriate application in this regard be moved before the learned Trial Court within a period of four weeks and the learned Trial Court, after giving due opportunity of hearing to both the sides, shall take appropriate decision with respect to her such request.

15. Learned counsel for respondent/plaintiff submits that since the petitioner herein is respondent's daughter, he would not insist for any cost to be paid by her though, if she is actually interested in defending the matter, she should rather extend her best cooperation, instead of taking conflicting stand, so that there is no unnecessary delay in disposal of the suit.

16. The present petition is disposed of in aforesaid terms.

17. Pending application also stand disposed of in aforesaid terms.

**(MANOJ JAIN)  
JUDGE**

**AUGUST 20, 2025/ss/pb**