

PC No. 35/2016

Som Nath Vs State NCT of Delhi

29.10.2018

Present: Sh Sunil Yadav, Ld Counsel for petitioner no. 1.

Sh Siddharth Joshi, Ld Counsel for Lrs of petitioner no. 2.

Sh Pawan Sharma, Ld Counsel for petitioner no. 3 and 4.

None for respondent no. 1.

Sh P. N. Malhotra, Ld Counsel for respondent no. 2 to 5.

An application under Order 7 Rule 14 CPC moved on behalf of petitioner no. 4 for filing of original Will and death Certificate of Late Sh Kailash Nath is pending adjudication.

Ld Counsel for respondent no. 2 to 5 has stated at bar that he has no objection if the instant application is allowed subject to heavy cost.

Heard.

The present is a probate petition so the Will as well as the Death Certificate of Late Sh Kailash Nath are material documents which are essential for adjudication of the real matter in controversy. No cogent reason has been assigned for non filing of these documents along with the petition. Procedural laws are handmaid to administration of justice. In the interest of justice, the application in hand is hereby allowed subject to cost of Rs 4000/- to be paid by the petitioners to respondent no. 2 to 5.

Re-list the matter for PE/cross on 17/12/2018.

(Shuchi Laler)
ADJ(East District) KKD
Delhi/29.10.2018