

PC No. 145/16

Tarun Malhotra & Ors. Vs. The State & Ors.

04.09.2018

Present : Sh. Bharat Bhushan Gupta, Ld. Counsel for the
petitioners alongwith petitioner No. 1.

Sh. V K Singh, Ld. Counsel for Respondents No. 2
& 4.

It appears that an application u/s 10 CPC has been moved by the respondents No. 2 & 4 on the ground that they have already filed Probate Petition titled Savita Kapoor & Ors. Vs. The State & Ors. now pending in this very court and for Probate certificate of Will dated 18.05.2009 executed by Laxman Dass Malhotra and stated that plaintiff evidence has been completed in the matter and only one witness Sh. Satish Kumar remains to be examined and his affidavit is already on record.

I have heard arguments on the application.

It is totally devoid of merits. Hence, it is rejected for the reasons that related matter is also an independent Probate Petition. The same can be propounded though the proceedings in both the petitions have to be made and taken in sink with each other. Parties are directed to come prepare on the N.DOH as to how the evidence in both the petitions are to be recorded in respective cases and cross-examination and rebuttal thereof and recording of evidence in composite manner, if possible.

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Affidavit of PW1 – Tarun Malhotra is filed. Copy given.

Now to come up on 17.12.2018 for further proceedings in the matter.

(Sanatan Prasad)
Additional District Judge-01
(East)/KKD/Delhi / 04.09.18