

PC 7/21

BALJINDER KAUR DIXIT Vs. RUPESH DIXIT

12.07.2023

Present: Ms. Sapna Gupta, Ld counsel for the petitioner.
Sh. Aaditya Vijay Kumar and Ms. Shreya Shree Singh, Ld counsels for the respondent.
Two miscellaneous applications are pending on record.
Part arguments on both the applications heard.
Put up for further arguments on the next date of hearing.

At this stage, record reveals that the present petition seeking revocation of probate granted vide order dated 06.01.2011 and 09.03.2011, in PC no. 126/09, was originally filed before the court of Ld. ADJ in Dwarka Court, New Delhi, however, vide judgment/order dated 10.01.2020 in PC no. 79/16, the petition was returned u/O 7 Rule 10 CPC and thereafter the petition was filed before this court. After the return of the plaint u/O 7 Rule 10 CPC and upon fresh filing of the same, trial is/was to start denovo, however, there is nothing on the record to suggest that the trial has started denovo and the matter has been listed for evidence in terms of order dated 27.10.2021 passed by the Ld Predecessor of this court. Most importantly this is a petition seeking revocation of probate granted in PC no. 126/09, however, the original file/record has not been produced till date. Let the original record of PC no. 126/09 be summoned from the Record Room at least two weeks before the next date of hearing.

Relist the matter now on 06.12.2023.

Interim orders to continue, if any.

(Gaurav Rao)
Additional District Judge-03
Patiala House Courts, New Delhi
12.07.2023