

CS No. 489/18

Om Prakash Gupta vs. Radhey Shyam & Ors.

10.07.2018

Present : Advocate Ms. Geeta Pal, proxy counsel along-with plaintiff.
Advocate Sh. P K Chaudhary for defendant no. 1, 3 and
proposed defendant no. 9.
Advocate Sh. S. N. Mitra for Smt. Saroj, LR of defendant
no. 2.

Proxy counsel for plaintiff has filed reply to defendant's application under Order XLVII read with Section 114 and 151 CPC for review of order directing handing over of original Will dated 14.02.1991 to IO of FIR No. 322/2017 PS Dwarka New Delhi.

Copy supplied to defendant's counsels.

Submissions heard.

Ld. counsel for defendants has referred to application and submits that application of IO/SI Ghanshyam Kishore was allowed without giving any hearing to defendant no. 1 and without supplying copy thereof to defendant no. 1.

Further, he has also referred to para no. 5 of the application and submits that original Will was filed by defendants no. 1 to 3 before Hon'ble High Court of Delhi vide filing no. 53446 dated 05.04.2011 and plaintiff's application under Section 45 and 47 of Evidence Act for sending impugned Will dated 14.02.1991 to FSL/CFSL for comparison of signature of late Sh. Govind Ram was disallowed by Hon'ble High Court of Delhi.

Ld. counsel for defendants submits that plaintiff's application was disposed of by Hon'ble Court without passing any written order and further submits that no opinion upon original Will can be given by the experts at FSL/CFSL in the absence of admitted

signature of the testator late Sh. Govind Ram.

Since order dated 09.03.2018 was passed upon application filed by IO and original Will dated 14.02.1991 was directed to be supplied to IO for sending the document to FSL for expert's opinion in course of investigation of FIR No. 322/2017 PS Dwarka New Delhi so notice of defendant's application seeking review of order be issued to IO/SHO PS Dwarka New Delhi on filing of PF and RC for reply and submissions on **08.08.2018**.

Steps to be taken within a week.

(TARUN YOGESH)
ADJ-03/Dwarka Courts
New Delhi /10.07.2018