

15.02.2023

Present: Sh. Zahid Jamal, Id. Counsel for the petitioner.

Sh. Sajan Arora, Id. Counsel for LR's of R-2, R-3 & R-4.

R-5 remains un-served although he is stated to be son of the petitioner and is not likely to contest the petition. NOC filed on his behalf on the last date of hearing was returned since there was no Identify proof attached with the NOC. Respondent no.5 is currently studying in the US. Id. Counsel prays for another opportunity to file NOC of R-5 alongwith his identify proof. Let the same be done by the next date of hearing. In the meanwhile issues can be framed. Following issues arise for adjudication:

1. Whether Smt. Pushpa Wanti Dugal, prepared a Will dated 27.07.1981 in sound disposing mind? OPP
2. Whether the petitioners are entitled to be granted LOA in respect of the above said Will? OPP
3. Whether there is any cogent ground disclosed in the written statement, especially in view of the fact that original Will has not been filed, for dismissing the present petition? OPR2 to 4.
4. Relief.

No other issue arises or is pressed for.

Put up for plaintiff's evidence by way of affidavits. Advance copy of the same be supplied to the opposite party atleast one week prior to the next date of hearing. List of witnesses be filed within 15 days from today.

Put up for PE on 23.05.2023. It is made clear that evidence on behalf of petitioner shall be permitted to be led only when the proper NOC is filed on behalf of respondent no. 5.

(Ajay Gulati-I)
ADJ-02, WEST
15.02.2023