

03.02.2024

Present: Ms Grisha Sharma, Ld counsel for the petitioner.
Sh.Rishabh Gulati, Ld counsel for the respondent no 3.

An application under order 22 rule 4CPC for bringing the Lrs of R-2 has been filed on behalf of the petitioner.

As per this application, R-3 and petitioner are the only Legal heirs of R-2. R-3/Smt. Harvinder Kaur is already on record and is being represented through his counsel. Ld counsel for the R-3 submits that R-3 as well as petitioner are the only legal heirs of deceased/R-2 and he has no objection, R-2 is impleaded as legal heir of R-3.

Case file perused.

R-3 is the daughter of deceased/ R-2 and is already on record as a party in the present suit. Hence, the present application is allowed. R-3 is also impleaded as party on behalf of deceased/R-2. Ld counsel for the petitioner is directed to file the fresh amended memo of parties.

Considering, the pleadings of parties, following issues are framed :-

ISSUES

1) Whether the will dated 29.11.2013 was executed by testatrix Smt Kanwaljit Kaur Arora, in her sound disposing mind and is her last, valid, legal and genuine will? OPP.

2) Whether the petitioner is entitled for the grant of probate/letter of administration in respect of aforesaid will dated 29.11.2013 as prayed for? OPP.

3. *Whether the Will dated 29.11.2013 executed by Testatrix Smt Kanwaljit Kaur Arora, is a forged and fabricated Will and was executed by the testatrix under the influence of the petitioner. OPR-2 and 3.*

4. *Whether the testatrix Smt Kanwaljit Kaur Arora has executed a registered Will dated 30.08.2013 in her sound disposing state of mind and the said Will is her last, valid, legal and genuine will and consequently, the present petition is liable to be dismissed? OPR-2 and 3.*

5. *Whether the present petition is time barred and is liable to be dismissed ? OPR*

6) *Relief*

No other issue arise or pressed for.

In the connected case which is also fixed for today, this court has passed an order for clubbing and consolidating the present suit and probate case no. 1/22 and it is also directed that both probate cases be tried together and the probate case no. 1/22 be considered as main case and evidence be led in that case and evidence led in probate case no. 1/22 be also considered as evidence of this case.

Put up with connected case on **22.05.2024**.

(SHIV KUMAR)
ADJ-02, West Distt.Tis Hazari Courts
Delhi: 03.02.2024