

PARVEEN KUMAR NARANG Vs. STATE

31.07.2024

Present: Sh.Naveen Grover, Ld counsel for the petitioner.

Sh. Siddarth Malik, Ld counsel for respondent no. 2 to 7.

Sh. PP Ahuja, Ld counsel for respondent no. 8.

Sh. Kamal Ld proxy counsel for respondent no. 14.

R-9 to R-13 are already proceeded ex parte.

On the LDOH, an application for impleading the legal heirs of respondent no. 5 along with condonation application, has been filed on behalf of the petitioner.

Ld counsel appearing on behalf of Lrs of deceased respondent no. 5 submits that he has no objection, if the said applications are allowed. He further submits, two Lrs have already given NOC in favour of petitioner and the NOC on behalf of Lrs namely, Ms Aanchal Chopra will be filed on the NDOH.

In view of the abovesaid submissions of Ld counsel appearing on behalf of the Lrs and also considering the fact that right to sue survive against the Lrs of deceased respondent no 5, the delay in filing the application is condoned and both applications are allowed.

The Lrs of deceased respondent no. 5 are impleaded as party in the present case. Ld counsel for the petitioner is directed to file amended memo of parties.

Ld counsel for the respondent no. 2 to 7 submits that one of the respondents will take the SPA on the abovesaid respondents and will get his statement recorded, on behalf of respondent no. 2 to 7 regarding giving NOC in favour of the petitioner.

In the present case, only respondent no. 8 is contesting the present probate petition.

Ld counsel for R-8 submits that the petitioner has attached only one document ie. Will and respondent no. 8 is denying the said Will.

Ld counsel for the R-8 has admitted three death certificates filed by the petitioner in his statement and the same are exhibited as Ex P-1 to P-3.

Ld counsel for the petitioner submits that there is no need of admission/denial of documents on behalf of the petitioner as respondent has not filed any document.

Both ld counsels submit that there are no chances of settlement between the parties and they do not want to opt procedure of settlement provided under Section 89 CPC.

Both ld counsels pray for framing of issues.

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

ISSUES

1. Whether the Will dated 25.02.2016 was executed by Late Sh. Hirdesh Kumar Arora in his sound disposing mind and the said Will is legal, valid and last Will of the Sh. Hirdesh Kumar Arora? OPP.

2. Whether the Will dated 25.02.2016 is a forged and fabricated Will? OPR-8.
3. Whether the present petition has not been filed in accordance with the provision of Indian Succession Act? OPR-8.
4. Whether this court has no jurisdiction to try the present petition? OPR-8.
5. Whether the present petition is time barred and is liable to be dismissed due to non-filing the same within limitation period? OPR-8.
6. Whether the petitioner is entitled to obtain probate/letters of administration in respect of Will dated 25.02.2016 ,executed by Late Sh. Hirdesh Kumar Arora? OPP.
7. Relief.

No other issue arise or pressed for.

Put up on **13.11.2024 for P.E.**

Parties are directed to file list of witnesses within 15 days from today. Ld counsel for the petitioner is directed to supply advance copy of affidavit of witnesses to be examined on the NDOH, to Ld counsel for respondent no 8 at least 10 days prior to the next date of hearing.

(SHIV KUMAR)
District Judge-02,Court no.127,
West Distt, Tis Hazari courts
Delhi:31.07.2024