

EJECTMENT SUIT NO. 204 OF 2010

ORDER NO. 62 DATED 22.01.2019

Counsels for the petitioners of this application as well as that of the other application dated 15.09.2018 under Or.22 R.3 read with Sec.151 C.P.C. and also the defendants are present on call.

The application under Or.22 R.3 C.P.C. dated 04.10.2018 is taken up for hearing.

Heard both sides. Perused the original registered Will wherefrom it transpires that the original plaintiff, Kamala Gupta Jaiswal expired on 19.08.2018 executing the registered Will and appointing the present petitioners as the joint Executors of her last Will and testamentary who are entitled to obtain Probate. Admittedly, the said Will of Kamala Devi Gupta has not yet been probated. But at this stage, it is beyond any doubt that the present petitioners are the joint Executors to the will of the deceased plaintiff and let Dadhichi Gupta and Smt. Shivani Gupta, joint Executors be substituted in place of the deceased plaintiff.

The instant application is well within the statutory time period and the same be allowed.

Let the names of the petitioners be substituted in place of the deceased and register the same accordingly. B.C.-II to note it accordingly.

The suit to proceed in accordance with law but the final disposal of the suit will be kept in abeyance till the final probate order.

As the natural consequence, the other application under Or.22 R.3 dated 15.09.2018 is hereby rejected on contest since all the petitioners herein have no interest in the suit premises after the execution of the last Will and testamentary of the deceased plaintiff.

Fix 08.03.2019 for evidence in connection with Sec.7(3) application.

Dictated and corrected by me,

JUDGE

JUDGE
[5TH BENCH]