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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **TEST.CAS. 20/2023**

**DR ASHOK KUMAR GUPTA**

..... Petitioner

Through: Mr. Jai Sahai Endlaw & Mr.  
Subhoday Banerjee, Advocates.  
[M:- 9811122114, Enrolment No.  
D/620/2013]

versus

**THE STATE & ORS.**

..... Respondents

Through: Ms. Pavitra Kaur, Advocate for  
R-1.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**05.04.2023**

**I.A. 6279/2023(Exemption)**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**TEST.CAS. 20/2023 & I.A. 6278/2023(Application on behalf of the petitioner under Order XXXIX Rule 1 of the CPC)**

1. The petitioner seeks letters of administration with the will annexed in respect of a registered document dated 29.05.2017, stated to be the last will of his father Dr. Suresh Chandra Gupta, who passed away on 04.11.2020. The testator was survived by his wife- Dr. Swaraj Rani Gupta, and three children, being the petitioner and the respondent Nos. 2 and 3 herein. Dr. Swaraj Rani Gupta is stated to have passed away on 08.03.2023. The respondent No. 2- Ms. Nalini Gupta has instituted a suit

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[CS No. 88/2021 *Nalini Gupta vs. Dr. Ashok Gupta & Ors.*] before the Additional District Judge-03, District South East, Saket Courts, claiming an oral settlement between the parties. In connection with the said suit, an appeal being FAO (OS) 173/2021 [*Ms Nalini Gupta vs. Dr. Ashok Gupta & Anr.*] also remains pending before this Court. It is stated by Mr. Jai Sahai Endlaw, learned counsel for the petitioner, that the respondent No. 3 has, in the proceedings before the Trial Court, and the appeal arising therefrom, supported the case of the petitioner herein.

2. Issue notice. Ms. Pavitra Kaur, learned counsel, appears on advance notice, and accepts notice on behalf of the respondent No.1-the State of National Capital Territory of Delhi. The respondent Nos. 2 and 3 may be served through all permissible modes. The respondent No. 2 may also be served through the learned counsel appearing on her behalf before the Trial Court in CS No. 88/2021, in addition

3. Citations be published in Delhi editions of “*Hindustan Times*” English newspaper and “*Jansatta*” Hindi newspaper, and in the editions of “*The Pioneer*” English newspaper and “*Punjab Kesari*” Hindi newspaper, which have circulation in the State of Himachal Pradesh.

4. The respondents may file replies to the petition and to the applications within three weeks after service of notice.

5. List on 26.05.2023.

**PRATEEK JALAN, J**

**APRIL 5, 2023/“pv”/**