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

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

DR ASHOK KUMAR GUPTA

.....Petitioner

Through:

versus

THE STATE & ORS.

.....Respondent

Through: Mr. Adarsh Priadarsni, Ms. Sandhya,
Mr. Apoorv Shankar, Mr. Brinder
Bhatt and Mr. Jatin Choudhary, Advs
for R-2.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **12.03.2025**

I.A. 6709/2025 (for exemption)

1. Allowed, subject to all just exceptions.
2. Application is accordingly disposed of.

I.A. 6708/2025 (Application seeking placing on record the copy of memorandum)

1. This application has been filed by respondent no.2 placing on record a Memorandum of Oral Settlement dated 17th November 2016, allegedly executed between petitioner, respondent no.2 and respondent no.3.
2. It is stated in the application that three parties *herein* who were the children of *Late Dr. Sh. Suresh Chandra Gupta and Late Dr. Dr. Swaraj Rani Gupta* had agreed to divide the properties of the parents in a manner as agreed in the settlement.
3. The Court finds it surprising that this settlement, even if executed,



was of 17th November 2016, while the *father* and *mother* passed away in 2020 and 2023 respectively.

4. Moreover, by this testamentary petition, the Will executed by *Late Father* is dated 29th May 2017.

5. A settlement between the children, to govern division of properties of living parents, post their eventual demise, stands on extremely rickety legal ground. Notwithstanding, in any case, this cannot be an objection to the grant of probate, which involves assessment of authenticity and validity of the Will propounded by petitioner.

6. Accordingly, the application is dismissed.

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1. List before the Joint Registrar (Judicial) on 25th March 2025, the date already fixed.

2. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 12, 2025/RK/tk

Click here to check corrigendum, if any