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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ TEST.CAS. 57/1996
SH. PRADYUT KAR Petitioner
Through: None.
versus

STATE Respondent
Through: Mr. V. Shekhar, Sr. Adv. with Mr.
Nishant Anand and Mr. Soumo Palit,
Adv.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

% **ORDER**
10.09.2015

O.A. No.345/2015

This is a probate petition. Evidence of the petitioner was closed vide order dated 2nd March, 2015 since neither petitioner nor any witness was produced on that day. Immediately thereafter, plaintiff filed I.A. No. 7742/2015 on 13th April, 2015 for recalling of this order. This application has been allowed by the Joint Registrar vide order dated 27th July, 2015, subject to costs of ₹25,000/-. Petitioner was further directed to pay earlier costs. Learned Joint Registrar has noted that though the petitioner had adopted lackadaisical approach in prosecuting the matter but in the interest of justice, this being a probate petition, opportunity is granted to the petitioner to lead evidence. A plea was taken before the learned Joint

Registrar that counsel was unwell on 2nd March, 2015, thus, could not reach in Court in time. However, this plea has not been accepted in absence of any medical documents.

Be that as it may, petitioner has been given opportunity to lead evidence, in the interest of justice, subject to heavy costs and I do not find anything wrong in this approach of the learned Joint Registrar. Accordingly, I do not find any reasonable ground to set aside the impugned order.

Original appeal is dismissed accordingly.

I.A. No. 18997/2015 (Stay)

Disposed of as infructuous.

A.K. PATHAK, J.

SEPTEMBER 10, 2015

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