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

+ **CS(OS) 267/2019 & I.A. No. 18629/2022**

VANDANA SHARMA Plaintiff

Through: Mr. Sanjeev Goyal with
Mr. Chaitannya Poonia,
Advocates.
(M): 9810498889
Email: law.sanjeev@gmail.com

versus

AMAN MALLICK Defendant

Through: None.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **15.11.2022**

[Physical Hearing/ Hybrid Hearing]

I.A. No. 18629/2022 (Application on behalf of plaintiff under Section 151 read with Order 12 Rule 6 of CPC seeking judgment on the basis of admissions, estoppels, acquiescence, waiver and abandonment of the claim/unconditional withdrawal of probate by defendant in respect of alleged will dated 19.06.2018)

1. The present application has been filed on behalf of plaintiff under Section 151 read with Order 12 Rule 6 of CPC for judgment on admission.

2. It is the case of learned counsel for plaintiff that Will dated 22.11.2018 was the last will of testator i.e. Late Smt. Kamla Mallick. He submits that defendant was earlier relying upon Will dated 19.06.2018 for which appropriate petition had been filed. However, the said probate petition has been withdrawn unconditionally by defendant. Thus, he submits that the only challenge which defendant



had is with respect to claim of plaintiff stands withdrawn. In view thereof, the present application has been filed. Thus, he submits that both the parties being brother and sister are entitled to 50% share in the suit property.

3. Issue notice to defendant by all modes including counsel already appearing on behalf of defendant.

4. List the captioned application before Joint Registrar on 09.01.2023 i.e. the date already fixed.

MINI PUSHKARNA, J

NOVEMBER 15, 2022

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