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

+ TEST.CAS. 12/2016

ANITA BHATIA & ANR

..... Petitioners

Through: Ms. Kawaljit Kaur for Mr. Manu
Nayar, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Anuj Bhushan, Adv. for Objector
No.3.

Mr. Kailash Pandey, Adv. for R-2.

Mr. Praveen Singh, Adv. for R-4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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30.10.2018

IA No.14416/2017 (for exemption).

1. Allowed, subject to just exceptions.
2. The application stands disposed of.

IA No.14415/2017 (of the respondent no.4 u/O VIII R-1A read with Section 151 CPC).

3. The respondent no.4 under cover of this application seeks to file some original documents in support of her objections to the petition seeking probate of a document claimed to be the validly executed last Will of Smt. Amrit Bai. One of the additional documents sought to be placed on record is also claimed to be a subsequent Will of the deceased Smt. Amrit Bai. The counsel for the applicant/respondent no.4 argues that the said documents were discovered subsequently.
4. I have enquired from the counsel for the respondent no.4/applicant whether the respondent no.4/applicant in her objections has pleaded the subsequent Will.

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5. The answer is in the negative.
6. No attempt to amend the objections has been made.
7. This application, to file documents qua a plea which does not exist, is misconceived and is dismissed.

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8. Though the counsels for the respondent no.3, respondent no.2 also appear but are totally clueless as to the status of their pleadings.
9. The counsel for the petitioner states that pleadings qua all the respondents are complete.
10. However since the counsel for the respondent no.4 states that he will be making an application for amendment of his objections, it is not deemed appropriate to frame issues today.
11. However the respondent no.4 is burdened with costs of Rs.15,000/- for today's adjournment, as a pre-condition for filing any application for amendment.
12. List on 21st February, 2019.

RAJIV SAHAI ENDLAW, J

OCTOBER 30, 2018
'pp'..

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