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

+ **TEST.CAS. 12/2016**

ANITA BHATIA & ANR

..... Petitioners

Through: Ms. Maitreyee Joshi & Ms. Pallavi
Khanna, Advs.

Versus

STATE (NCT OF DELHI) & ORS.

..... Respondents

Through: Mr. Shyam Lal Bhatia, R-2 in person.
Mr. Abhigya, Adv. for R-3.
Mr. Praveen Singh, Adv. for R-4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **16.04.2019**

1. This order is in continuation of the earlier order dated 21st February, 2019.
2. Though the respondent no.4 has filed IA No.3519/2019 for amendment of the objections but the counsel for the petitioners rightly points out that the same has been filed beyond the time of 28th February, 2019 granted on 21st February, 2019.
3. Mr. Praveen Singh, Advocate for respondent no.4 is again vague as to why the application was not filed within time.
4. Though in accordance with the order dated 21st February, 2019, no application for amendment filed thereafter was to be entertained but still for the sake of not depriving a plea being taken, subject to the respondent no.4 paying costs of Rs.10,000/- to the counsel for the petitioners within a week of today, the application under Order VI Rule 17 of the CPC to which reply has already been filed by the petitioners has been considered and the counsels heard.

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5. The respondent no.4 by way of amendment wants to set up another Will of Amrita Bai.
6. Again, though the counsel for the petitioners contends that the amended pleas sought to be taken are false since there was no occasion for the respondent no.4 to approach Mr. Ashok K. Kapoor, Advocate who was handling matrimonial cases of the respondent no.3, on being asked to contact the advocate who was doing the family partition suit and which suit was conducted by Mr. C.J. Gupta, Advocate and also contends that the Will now sought to be set up is witnessed by the daughter of the respondent no.2 and who would have informed the respondent no.4 had there been any such Will in existence, but applying the principle that merits of the amendment are not to be gone into at the stage of considering the application for amendment, IA No. 3519/2019 is allowed and disposed of and the amended objections filed therewith taken on record.
7. Reply to the amended objections be filed by the petitioner within four weeks.
8. Rejoinder within further four weeks thereafter.
9. List for framing of issues if any on 26th August, 2019.

RAJIV SAHAI ENDLAW, J.

APRIL 16, 2019
'gsr'..

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