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

+ TEST.CAS. 12/2016

SMT ANITA BHATIA & ANR

..... Petitioners

Through: Mr. Manu Nayar and Mr. Nitin Kumar, Advocates (Mobile No. 7982722181).

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Kailash Pd. Pandey, Advocate for applicants in I.A. 5384/2021 (Enrolment No. D/1176-1A-2000, Mobile No. 9999894307).
Mr. Anil Kumar Daria, Ms. Pratima and Mr. N.K. Tiwari, Advocates for R-2.
Mr. Abhigya Kushwah and Ms. Sunnita Yadav, Advocates for R-3 (Enrolment No. D/466/2007, Mobile No. 9650685154).

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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22.05.2023

I.A. 5384/2021 (application under Order 1 Rule 10 of the CPC)

1. This application has been filed by Mr. Sameer Bhatia and Ms. Heena Bhatia, claiming to be the legal heirs of original respondent No.2, Mr. Shyam Lal Bhatia.
2. The contention of the applicants is that they are also children of the deceased respondent No.2 through a person described in the application

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as his second wife.

3. By virtue of order dated 14.09.2022, other legal heirs of late Mr. Shyam Lal Bhatia were impleaded.

4. In support of their contention, the applicants rely upon a registered will dated 04.07.2018, executed by Mr. Shyam Lal Bhatia in which he has described the applicants as his son and daughter.

5. Having regard to the contents of the application and to the nature of probate proceedings as *in rem* proceedings, the application is allowed and Mr. Sameer Bhatia and Ms. Heena Bhatia are impleaded as respondent Nos. 2(d) and 2(e) in the petition without prejudice to the rights and contentions of other parties with regard to their status which can be decided on evidence, if necessary.

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1. Learned counsel for the newly impleaded respondents may file their objections and affidavits of admission/denial of petitioners' documents within four weeks. Replications thereto alongwith admission/denial of documents filed by the respondents may be filed within two weeks thereafter.

2. In the meanwhile, learned counsel for the parties request that they may also be referred to mediation to see if amicable settlement of their disputes is possible.

3. Parties are referred to mediation under the aegis of Samadhan, Delhi High Court Mediation and Conciliation Centre, Shershah Road, New Delhi. Parties will appear before learned Mediator on 05.07.2023.

4. Learned Mediator is requested to furnish a report before the Court prior to the next date of hearing.



5. List before Joint Registrar on 25.07.2023 for completion of pleadings, admission/denial of documents and marking of exhibits.
6. List before Court on 30.10.2023.

PRATEEK JALAN, J

MAY 22, 2023/‘vp’/