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

+ TEST.CAS. 12/2016

SMT ANITA BHATIA & ANR

.....Petitioners

Through: Mr. Nitin Kumar and Ms Rudrakshi
Gautam, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms Rachita Garg and Ms preeti Advs
for State
Ms. Sunita Singh, Mr. Abhigya
Kushwah, Advocates for R-3

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

05.03.2025

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I.A. 5919/2025

1. This application under Section 151 CPC has been filed on behalf of the Respondent No.3 seeking directions to the Petitioners for unlocking of the common portion of the only premises/property which are the subject matter of the Will in question and for not to restrict the entry and stay of the guests and relatives and caretakers of the applicant in the said property.
2. In the opinion of this Court, the relief sought for, in the instant application, is beyond the scope of a testamentary case which is only for proving a Will in accordance with Section 63 of the Indian Succession Act, 1925 and Section 68 of the Indian Evidence Act, 1872.
3. Learned Counsel for the Respondent No.3 seeks permission to



withdraw the instant application with liberty to take appropriate steps in accordance with law.

4. Permission and liberty, as sought for, are granted.
5. The application is disposed of as withdrawn.

SUBRAMONIUM PRASAD, J

MARCH 5, 2025

RJ