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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO 202/2020

RAJ KUMAR NANGIA

.....Appellant

Through: Mr Shakeel Ahmed and Mr Yogesh
Kumar Sharma, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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09.11.2020

The hearing was conducted through video conferencing.

CM APPL. 28282/2020 (Exemption)

1. Allowed subject to all just exceptions. The application stands disposed-off.

FAO 202/2020 & CM APPL. 28283/2020 (delay)

2. The appellant is aggrieved by the impugned order dated 06.02.2020 passed by the learned Additional District Judge, Central-05, Tis Hazari Courts, Delhi in Probate Case No.11 of 2019 titled '*Raj Kumar Nangia v. The State & Anr.*', declining him the grant of probate, even in the face of a settlement by the only other successor. There is a No Objection Certificate ('NOC') on record, from R-2 -- the petitioner's sister, his only sibling. The father of the appellant passed away, leaving behind the appellant and his sister/R-2 as his successors. After publication of the notice, she has given her NOC. According to the appellant, there is no other claimant to the estate of his deceased



father, barring himself and his sister/R-2. It is argued this is the most relevant fact which has erroneously been disregarded by the impugned order.

3. Issue notice to the respondents through Speed Post, approved courier, e-mail, WhatsApp, SMS and such other forms of electronic service as may be viable, through counsel as well, returnable on 14.04.2021.
4. The order be uploaded on the website forthwith.

NAJMI WAZIRI, J

NOVEMBER 09, 2020/rd