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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 141/2025, CM APPL. 30666/2025**

VIPIN KUMAR

.....Appellant

Through: Mr. Ashish Dholabia, Mr.
Subhoday Banerjee and Mr.
Ritesh Kumar Chowdhary,
Advs.

versus

RANJAN KUMAR & ORS.

.....Respondents

Through: Mr. B.K. Sood and Mr. Harish
Gaur, Advs. for R-1.
Ms. Sweety Singh, Adv. for R-
2/GNCTD.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **19.05.2025**

1. This hearing is being conducted through hybrid mode.

CM APPL. 30667/2025 (Exemption)

2. Allowed, subject to all just exceptions.

3. Application stands disposed of.

**CM APPL. 30668/2025 (For calling of record in the Probate Case
No. 42350/2016 pending before the learned Trial Court)**

4. This is an application for calling of the digital record of the
Probate Case No. 42350/2016 pending before the learned Trial Court.

5. Learned counsel for respondent No.1 is present on advance
notice.

6. The decision on the present application is kept in abeyance.

FAO 141/2025 and CM APPL. 30666/2025 (Stay)

7. The appellant has preferred the present appeal under Section

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impugned order dated 07.03.2025 passed by the learned District Judge-05, Central District, Tis Hazari Courts, Delhi in Probate Case No. 42350/2016 titled Shri Vinod Kumar v. State and Ors., whereby the application of the respondent No.1/Ranjan Kumar, who is arrayed as respondent No.3, to be transposed as the petitioner being the executor of the purported Will left behind by his father/testator late Sh. Satya Pal dated 28.12.2003, under Order I Rule 10 read with XXII Rule 3 of the Code of Civil Procedure, 1908 ['CPC'] has been allowed. The appellant is contesting the genuineness of the 'Will'.

8. Learned counsel for the respondent No.1 is present on advance notice.

9. Learned counsel for the respondent No.2 is present on advance notice but she requests some time to seek instructions.

10. No one is present for respondents No.3 and 4 despite sending advance notice.

11. Having heard the learned counsels for the parties and in the peculiar facts and circumstances of the case, it would be appropriate that the notice of the present appeal be issued to the legal heirs of deceased respondent no.3, namely Vinod Kumar, by all permissible modes including *dasti* and *via* approved courier was well.

12. Further, learned counsel for the appellant is impressed upon to place on record the attested copy of the written statement filed on behalf of respondent No.1/Ranjan Kumar in the pending probate proceedings.

13. Re-notify on 26.05.2025.

DHARMESH SHARMA, J.

MAY 19, 2025/sp

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