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

+ **CS(OS) 363/2020**

BAIDEHI SHAHI Plaintiff

Through: Mr. Sashi Shankar, Advocate.

versus

RAJESH SHAHI & ORS. Defendants

Through: Mr. Himanshu Chaubey,
Advocate for D-2 & D-3.

Mr. Heera Singh Rawat,
Advocate for D-5.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

% **27.02.2023**

I.A. 3203/2021(U.O. VI R. 17 r/w S. 151 CPC)

1. The present amendment application has been moved for including in the original suit allegations which are set forth in proposed paragraphs 61.1 to 61.5. Additionally, the applicant seeks the insertion of an additional relief for a decree of declaration in respect of an unregistered Will dated 07 October 2017.

2. Having gone through the material placed on the record and the proposed amendments, it appears that as per the allegation of the Plaintiff/Applicant, they came to derive knowledge of a Probate Case No. 73/2019 which had been filed by one Harshal Shahi seeking probate of a will stated to have been executed by the deceased husband of the Plaintiff. According to the Plaintiff, knowledge of the filing of the aforesaid probate case was obtained on 23 January 2021.

3. The probate proceedings are stated to have been thereafter transferred to the appropriate Court in the NCT pursuant to the



directions of the Supreme Court. Bearing in mind the fact that the suit itself is for partition and the case as set up on the basis of a will would have impact on the claims which are raised, the Court is of the considered opinion that the amendments are liable to be granted.

4. The Court also takes on board the statement made on behalf of the Defendant Nos. 2 and 3 with learned counsel representing them submitting that they have also supported the amendments which are proposed. Accordingly, the instant application is allowed.

5. The Court notes that an amended plaint already stands placed on the record. All noticed defendants are granted three weeks time to file their additional written statements in response to the added paragraphs of the plaint.

I.A. 3831/2023(Direction)

1. The prayers made in this application are thoroughly misconceived.
2. Application shall stand dismissed.

CS(OS) 363/2020

List before the concerned Joint Registrar for completion of pleadings on 04.05.2023.

YASHWANT VARMA, J.

FEBRUARY 27, 2023
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