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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TEST.CAS. 40/2024, I.A. 44475/2024, I.A. 4702/2025 & I.A.**
5991/2025
SH RAVINDER SINGHPetitioner

Through: Mr. Sudhir Sukhija, Advocate

versus

THE STATE GOVT, OF NCT OF DELHIRespondent
Through: Mr. Brijesh Kr. Tamber and Ms.
Arani Mukherjee, Advocates for R-2
and 3

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **04.04.2025**

I.A. 5991/2025

1. This application under Section 5 of the Limitation Act, 1963 read with Section 151 of the Code of Civil Procedure, 1908, has been filed by Respondent Nos. 2 and 3 seeking condonation of delay of 30 days in filing of the objections to this petition. Respondent Nos. 2 and 3 are the Class I legal heirs of the deceased testator.
2. Learned counsel for the non-applicant/Petitioner states that the copy of the objections and the affidavit of admission/denial of documents on behalf of Respondent Nos. 2 and 3 have not been furnished to the Petitioner.
3. Learned counsel for Respondent Nos. 2 and 3 states that he will reserve a copy of the objections and the affidavit of admission/denial of documents filed by the Petitioner within two (2) days.
4. For the reasons stated in the application and considering the fact that Respondent Nos. 2 and 3 are the Class I legal heirs of the deceased/testator,



the delay is condoned and the objections as well as the affidavit of admission/denial of documents on behalf of Respondent Nos. 2 and 3 is directed to be taken on record.

5. Respondent Nos. 2 and 3 are directed to ensure that all defects marked by the registry are removed and the reply/objections as well as the affidavit of admission/denial of documents come on record within one (1) week.

6. With the aforesaid directions, this application stands disposed of.

I.A. 4702/2025 (under Section 151 CPC on behalf of Respondent No.2 and Respondent No. 3 (through his mother i.e. Respondent no.2 herein), seeking directions to the Petitioner to deposit of amount, which already have been withdrawn by the Petitioner from the bank account of the deceased)

7. This application under Section 151 of the Code of Civil Procedure, 1908, has been filed by Respondent Nos. 2 and 3, thereby, seeking a direction to the Petitioner to deposit the amount of Rs. 2,98,07,244/- which was withdrawn by the Petitioner from the deceased's bank account maintained with Axis Bank.

8. Learned counsel for Respondent Nos. 2 and 3 states that a separate application I.A. 17652/2023 has already been filed in connected suit i.e., CS(OS) 561/2023. He states that in view of the said application in this suit, he is not pressing this application for the moment.

9. In view of the above, the application stands disposed of reserving the rights of Respondent Nos. 2 and 3 pursue this relief in the suit proceedings.

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10. List on **23.05.2025** along with CS(OS) 561/2023.

MANMEET PRITAM SINGH ARORA, J

APRIL 4, 2025/msh/MG

Click here to check corrigendum, if any