



\$~8 and 9

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

+ TEST.CAS. 60/2023 & I.A. 34750/2024

DEBASHISH CHAKRABORTYPetitioner

Through: Mr. Raja Chatterjee and Ms. Shweta
xRoy, Advs.

versus

STATE AND ORSRespondents

Through: Mr. Rajeshwer Kr. Gupta and Mr. HC
Vashisht, Advs. for R-2, 3 and 5
Ms. Divya Thakur, Adv. for LR of
R-4

9

+ TEST.CAS. 61/2023 & I.A. 34709/2024

DEBASHISH CHAKRABORTYPetitioner

Through: Mr. Raja Chatterjee and Ms. Shweta
Roy, Advs.

versus

STATE AND ORS.Respondents

Through: Mr. Rajeshwer Kr. Gupta and Mr. HC
Vashisht, Advs. for R-2, 3 and 5
Ms. Divya Thakur, Adv. for LR of
R-4

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **09.07.2025**

I.A. 34750/2024 in TEST.CAS. 60/2023 (under Section 151 CPC on behalf
of Respondent Nos. 2, 3 and 5 for seeking to take the documents on record
which were filed after filing the objections and to condone the delay, if any.)

I.A. 34709/2024 in TEST.CAS. 61/2023 (under Section 151 CPC on behalf
of Respondent Nos. 2, 3 and 5 for seeking to take the documents on record



which were filed after filing the objections and to condone the delay, if any.)

1. These identical applications under Section 151 of the Code of Civil Procedure, 1908 have been filed by Respondent Nos. 2, 3 and 5 ['collectively referred to as 'Applicants'] in the respective testamentary proceedings for taking on record the documents filed by the Applicants on 30.04.2024.
2. Learned counsel for the Applicants states that these documents are being filed in support of the pleadings already raised in the objections filed by the Applicants. He states that these documents have also been relied upon in the suit proceedings being CS(OS) 347/2022. He prays that the documents be taken on record so as to enable this Court to adjudicate the objections.
3. Mr. Chatterjee, learned counsel appearing on behalf of the Petitioner states that the Petitioner has already filed his rejoinder to the objections filed by the Applicants and the Petitioner had no opportunity to deal with the documents sought to be taken on record. He states that even the stage of admission/denial of the documents is over in these proceedings.
4. This Court has heard the learned counsels for the parties and considered the submissions of the parties.
5. This Court is of the opinion that since the present matter pertains to testamentary proceedings, wherein the Court must adjudicate on the validity of the subject Will to its satisfaction, therefore, it would be apposite and in the interest of justice, the documents filed by the applicants on 30.04.2024 are taken on record. However, it is directed that the documents filed by the Applicants will be taken on record *subject* to Respondent Nos. 2, 3 and 5 paying costs of Rs. 15,000/- in each application to the Petitioner within two



(2) weeks.

6. Furthermore, this Court directs that the Respondents will be at liberty to file an additional rejoinder within four (4) weeks to deal with the aforesaid documents, if it so desires, so that no prejudice will be caused to the Petitioner.

7. The Petitioner will also file an affidavit of admission/denial of documents of these documents within four (4) weeks. The Respondents will also be at liberty to file any rebuttal documents within a period of four (4) weeks.

8. Learned counsel for Respondent Nos. 2, 3 and 5 states that he has no objection to the liberty granted to the Petitioner to file an additional rejoinder as well as to file additional documents.

9. With the aforesaid directions, the captioned applications stand disposed of.

TEST.CAS. 60/2023

TEST.CAS. 61/2023

10. The parties shall file the Joint Document Schedule within six (6) weeks.

11. List before the learned Joint Registrar (J) on **19.08.2025**.

MANMEET PRITAM SINGH ARORA, J

JULY 9, 2025/msh/MG