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

+ **CS(OS) 515/2021 & I.A. 13857/2021**

RAJAT BHASIN & ORS.

.....Plaintiffs

Through: Mr. Dhruv Rohatgi, Mr. Shubham
Verma and Mr. Devadathan
Jayachandran, Advs.

versus

VIVEK BHASIN

.....Defendant

Through: Mr. Pradyumna Tyagi, Adv.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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30.07.2024

**I.A. 5334/2023 (under Order VI Rule 17 read with Section 151 CPC
filed by plaintiff seeking amendment of plaint)**

1. This is an application seeking amendment of the plaint whereby the plaintiffs want to insert two prayers seeking declaration to the effect that (i) the Will dated 10.10.1996 executed by plaintiffs' late father Sh. Tilak Raj Bhasin and, (ii) the Will dated 26.08.2018 executed by late mother of the plaintiffs Smt. Bimla Bhasin are not the last and validly executed Wills of the respective testators.
2. The learned counsel for the plaintiffs submits that the present suit filed seeking declaration, permanent injunction and rendition of account is premised on another registered Will dated 13.01.1993 executed by the plaintiffs' late father Sh. Tilak Raj Bhasin which has been set up by the plaintiffs in the plaint.
3. He submits that the defendant has filed a written statement in which the aforementioned two Wills of the father, as well as, the mother of the



parties have been propounded by him, which have come to plaintiff's knowledge only after filing of written statement by the defendant.

4. He submits that the relief sought in the present suit has become inappropriate, hence the amendment is being sought.

5. The learned counsel for the defendant submits that he has no objection to the said amendment. Accordingly, the application is allowed.

6. The learned counsel appearing on behalf of the plaintiffs submit that the amended plaint has been filed separately and the same is lying under objection.

7. Let the learned counsel check up with the Registry and have the amended plaint placed on record.

8. The application stands disposed of.

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9. Let the defendant file the written statement, if any, to the amended plaint within a period of 30 days.

10. Replication thereto be filed within a period of 30 days thereafter.

11. List before the learned Joint Registrar for completion of pleadings, admission/denial of documents and marking of exhibits on 15.10.2024.

12. List before the Court on 08.11.2024.

VIKAS MAHAJAN, J

JULY 30, 2024/N.S. ASWAL