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

+ **CS(OS) 597/2023 & I.A. 36353/2024**

RENU CHOPRA

.....Plaintiff

Through: **Mr. Akshaya Agarwal, Adv.**
(Through VC)

versus

DEEPAK GUPTA & ORS.

.....Defendants

Through: **Mr. Rijul Taneja and Ms. Henna Narula, Advs. for D-1**
Mr. MK Madan, Ms. Renuka, Advocates for D-2, 8 & 9 (Through VC)
Mr. G.K. Kaushik, Mr. Abhinav Kaushik, Mr. Amit Garg, Mr. Rishabh Attri, Mr. Apoorv Bansal, Advs. for D-4 to 7

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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13.08.2024

I.A. 36353/2024 (under Order VI Rule 17 of CPC, 1908 seeking amendment of the plaint)

1. This is an application filed by the plaintiff for amending the plaint to principally include a relief seeking a declaration as regards invalidity of the registered Will dated 31.07.2008 produced by defendant no. 1 along with the written statement.
2. Learned counsel for non-applicant/defendant no. 1 states that the onus of proving the validity and genuineness of the Will is on defendant no. 1 and they will be leading evidence during trial to prove the validity of the said



Will.

3. In the considered opinion of this Court, since the validity of the Will is subject to trial and the plaintiff herein will have sufficient opportunity to test the validity of the Will, no separate relief by way of amendment is necessitated, especially, since the plaintiff herself does not rely upon this Will. The pleas sought to be raised by way of amending the plaint to challenge the Will can be appropriately pleaded in the replication to the written statement filed by defendant no. 1.

4. Both the plaintiff and defendant no. 1 have no objection to the aforesaid direction.

5. Accordingly, the present application is disposed of with liberty to the plaintiff to raise the pleas proposed by way of amendments in her replication.

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6. The plaintiff by way of last opportunity is granted two weeks' time to file replication to the written statement of defendant no. 1 along with affidavit of admission/denial of documents filed by the said defendant.

7. The plaintiff is also directed to place on record all proceedings [civil or criminal] initiated by her against defendant no. 1 or any other defendant in any forum, within two weeks along with her replication.

8. List before the Court on 28.08.2024, the date already fixed.

MANMEET PRITAM SINGH ARORA, J

AUGUST 13, 2024/msh/MG

Click here to check corrigendum, if any