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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CM(M) 3182/2024

RAJWATI

.....Petitioner

Through: Mr. Sanjay Bansal, Advocate.
(through video conferencing)

versus

SHRI K K SHUKLA (SINCE DECASED) THROUGH LR. SHRI
DEVENDRA KUMAR SHUKLA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

16.08.2024

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CM APPL.47132/2024 (exemption)

Exemption allowed subject to all just exceptions.

CM APPL.47133/2024 (for condonation of delay in re-filing)

For the reasons stated in the application, the application is allowed. The delay in re-filing of the appeal is condoned.

CM(M) 3182/2024 & CM APPL. 47131/2024 (stay)

1. Petitioner is defendant before the learned Trial Court and is defending a suit for declaration, eviction and possession.
2. It is contended that the suit is based on one Will and for the reasons best known to the plaintiff, the Will was not proved in any manner whatsoever as no attesting witness was examined for the reasons best known to the plaintiff and when the arguments were heard by the learned Trial Court, the defendant very specifically pointed out

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the same and taking some cue from there, an application was moved seeking to summon the attesting witness of the Will.

3. It is contended that the petitioner has not given any reason, much less a justifiable one and the only endeavour of the plaintiff is to fill up the lacuna and, therefore, the Court should not have allowed the application at all.

4. Issue notice through all permissible modes including dasti, returnable on 11th December, 2024. Notice be also issued through counsel.

5. It is clarified that the proceedings before the learned Trial Court shall be subject to the outcome of the present petition.

MANOJ JAIN, J

AUGUST 16, 2024
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