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

+ **TEST.CAS. 87/2024**

MADANJIT SINGH OBEROI

.....Petitioner

Through: Ms Kanika Agnihotri and Mr Amer
Vaid, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Ms Avni Singh, Panel GNCTD with
Mr Rushi Kanta Dash, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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19.11.2024

I.A. 45307/2024 (under Section 151 CPC read with Section 5 of Limitation Act, 1963)

1. For the reasons mentioned in the application, the delay of 02 days in re-filing is condoned.

2. The application stands disposed of.

I.A. 45306/2024 & I.A. 45308/2024

3. Allowed, subject to all just exceptions.

I.A. 45305/2024 (by the petitioner under Order XI Rule 14 CPC)

4. On petitioner taking steps, notice be issued to the respondents by all permissible modes.

5. Let reply to the application be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

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6. The present petition has been filed under Section 276 of the Indian



Succession Act, 1925 seeking grant of probate in respect of Will dated 18.05.2017 of Late Smt. Jagdip Kaur.

7. Issue notice. Learned counsel for the respondent/State accepts notice.
8. On petitioner taking steps, notice be issued to the respondent nos.2 to 4.
9. Let citation be published in the prescribed format in the newspaper of “The Statesman” (English) and “Dainik Jagran” (Hindi) having circulation in Delhi.
10. At this stage, learned counsel for the petitioner submits that there is already a litigation pending between the petitioner and the respondent nos.2 to 4. She submits that respondent nos.2 to 4 are NRIs, however, they are being represented by the counsel in CS(OS) 571/2017, which is pending before this Court. She submits that the said respondents are defendant nos.1, 9 & 10 respectively in the said suit, accordingly, she prays for liberty to serve the respondent nos.2 to 4 through their counsel in the said suit.
11. In that view of the matter, the petitioner is granted liberty to serve the respondent nos.2 to 4 additionally through their counsel, who is representing them in CS (OS) 571/2017.
12. Let valuation report be filed by the concerned SDM before the next date.
13. List before the learned Joint Registrar for completion of pleadings on 05.02.2025.

NOVEMBER 19, 2024
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VIKAS MAHAJAN, J