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

+ **CS(OS) 296/2016**

ASHOK BAURY

.....Plaintiff

Through: Mr. Gauhar Mirza and Ms. Hiral
Gupta, Advocates.

versus

MR RAJ BAURY & ORS

.....Defendants

Through: Mr. Tanmaya Mehta, Mr. Atul Gupta,
Mr. Puneet Yadav and Ms. Priya
Mittal, Advocates for Defendant No.7
Mr. Y.R. Sharma and Ms. Akshita
Sharma, Advocates for Respondent
Nos.11 and 12

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

30.01.2025

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I.A. 2431/2025

1. This application under Section 151 of CPC has been filed on behalf of Applicant/Defendant No.7 for clubbing the testamentary case being Test Case No.11/2018 with the present suit on the ground that the testamentary case is for grant of probate of the Will dated 05.05.1983 of Late Smt. Bhagwanti Devi and the present suit is also seeking partition of the properties covered by the Will dated 05.05.1983 of Late Smt. Bhagwanti Devi.

2. It is the case of the Applicant/Defendant No.7 that if the present suit and the testamentary are not clubbed, it can lead to conflicting Orders. It is stated that since the parties in both the case are more or less same, the nature



of evidence would be the same and, therefore, in order to avoid multiplicity of proceedings, it would be more expedient that the present suit and the testamentary case are clubbed together for joint trial.

3. Issue notice.

4. Learned Counsel for the Plaintiff accepts notice and prays for some time to file a reply. Reply be filed within a week's time. Response thereto, if any, be filed within three days thereafter.

5. It is always open for the parties to pray for an adjournment before the Ld. Registrar.

6. List on 17.02.2025.

SUBRAMONIUM PRASAD, J

JANUARY 30, 2025

S. Zakir