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

+ TEST.CAS. 101/2011

ANIL NARENDRA

..... Petitioner

Through: None.

Versus

STATE & ANR

..... Respondent

Through: Mr. Atul Kumar, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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01.03.2018

IA No.3050/2018 (of the respondent no.2 for de-sealing of the original Will and for examination of the same by Forensic Science Laboratory (FSL))

1. Recording of evidence in this testamentary case is yet to begin. Only if the Court, at the appropriate stage finds the need for opinion of handwriting expert qua signatures on the document claimed to be the Will and the admitted signatures, will the need to send the document claimed to be the Will to FSL arise.
2. Else, it is found that the same causes delay and the reports of FSL are also challenged and no purpose is served. In fact, the counsel for the applicant / defendant no.2 is also not ready to be bound by the report of FSL, if against the interest of the applicant / respondent no.2.
3. The application is disposed of with liberty to the applicant / respondent no.2 to, at appropriate stage, urge the need for opinion of handwriting expert. The counsel for applicant / respondent no.2 can in evidence of respondent no.2 examine any expert as witness of applicant / respondent no.2.

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4. The counsel for the respondent no.2 seeks examination of the original document claimed to be the Will of which probate is sought and states that the same was ordered to be kept in a sealed cover vide the *ex parte* order dated 2nd December, 2011.
5. Allowed.
6. The respondent no.2 to appear before the Joint Registrar on 9th April, 2018 when the sealed envelope containing the original document claimed to be the Will will be opened and the respondent no.2 and her counsel will be permitted to examine the same and the document shall be again kept in the envelope and re-sealed.
7. The counsel for the respondent no.2 to, under acknowledgment, inform the counsel for the petitioner of today's order so that the counsel for the petitioner also appears on the said date.

RAJIV SAHAI ENDLAW, J

MARCH 01, 2018

'gsr'..