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

+ **TEST.CAS. 54/2018**

RAKESH MISHRA

..... Petitioner

Through: Mr.Abhishek Paruthi, Proxy
Counsel for Mr.Sarvagya Walia,
Advocate

versus

STATE NCT OF DELHI & ORS.

..... Respondent

Through: Ms.Bhagyasshree Shukla,
Advocate for R-3 & 4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **29.08.2019**

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1. Learned counsel for the petitioner is stated to be unavailable on account of indisposition of his brother. It appears that on the last occasion also, learned counsel was not available for the same reason.

2. In the petition, objections have been filed on behalf of respondent Nos.3 & 4, and an affidavit of admission/denial in respect of petitioner's documents has also been filed by them. Respondent No.2 has not filed a response to the petition, but has instead filed a counter affidavit to the objections filed by respondent Nos. 3 & 4. The said affidavit will be treated as the statement of respondent No.2 on the matters in dispute herein. If any of the other respondents wish to file a counter affidavit to

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the petition, they may do so within four weeks from today. If the respondent No.2 has anything further to say in respect of the petition, he may also do so within the same time.

3. The petitioner may file rejoinders to the affidavits filed by the respondents within two weeks thereafter and will also file affidavits of admission/denial of any documents already filed or which may hereafter be filed by the respondents with their affidavits.

4. List before the Joint Registrar on 30.09.2019, for completion of pleadings and marking of exhibits.

I.A. 3726/2019

1. By this application, respondent Nos.2, 5 & 6 seek to be transposed as petitioners in the present Probate Petition. The said respondents are not represented today.

2. In the interest of justice, list before Court on 09.12.2019.

3. Learned counsel for the applicants shall satisfy the Court on the next date of hearing regarding the entitlement of persons who are not executors of the will to be transposed as petitioners in a Probate Petition.

PRATEEK JALAN, J

AUGUST 29, 2019

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