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

\+ TEST.CAS. 39/2017

MR. INDERJIT SINGH BHUSRI ..... Petitioner

Through: Mr. Kishore M. Gajaria, Adv

versus

STATE & ORS ..... Respondents

Through: Mr. Sonu Vashist & Mr. Sachin Nahar, Advs for R1.
Mr. Gaurav Puri & Ms. Tanya Chawla, Advs for R2.
Ms. Sugandha Batra, Adv for R3 & 4.
Mr. Rhythm. B, Adv for R5.
Mr. Ashish Kapur, Mr. Anmol Kapur & Ms. Chhavi Luthra, Advs for R6 alongwith R6.

CORAM:
SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR (JUDICIAL)

O R D E R

% 23.10.2018

IA No. 14256/2018 (u/S 151 CPC filed by petitioner for seeking directions for sealing of original Will dated 16.01.2017)

Record reveals that similar application earlier moved by petitioner was allowed on 26.07.2018. It is informed by counsel for respondent No.6 that on the date, time and venue fixed by the Court except respondent No.6, the other parties did not appear.

For the reasons mentioned in para No.3 of the IA, instant application preferred by petitioner is hereby allowed. Present order is in continuation of earlier order passed on IA No. 9413/2018 on

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26.07.2018. The original Will dated 16.01.2017 is directed to be kept in sealed cover.

Learned counsel for both the parties are directed to appear before AR (O) on 26.10.2018 at 3:00 PM for sealing of the original Will in their presence.

IA stands disposed of accordingly.

IA No. 13207/2018 (u/S 152 CPC filed by respondent Nos.3 & 4 for correction/modification of order dated 26.07.2018)

Reply to the IA filed by petitioner.

Heard on IA. Record perused.

Counsel for applicants/respondents 3 & 4 submits that on 26.07.2018, counsel for all the parties including respondent No.5 were present in the Court and she submitted that respondent Nos 3 & 4 , being sisters of petitioner, did not wish to see the brothers fight in Court and she requested for referring the matter to mediation centre so that the dispute can be resolved amicably. She further submits that she did not state that she had no objection to the petition.

It is prayed in the application to modify order dated 26.07.2018 to the aforesaid extent.

This Court recalls and finds merit in the contentions and submissions made by counsel for applicants, therefore, order dated 26.07.2018 is directed to be modified to the following extent:-

The sentence " in the course of hearing, counsel for respondent No.3 to 5 submitted that real dispute is between the brothers and they do not have any objection to the petition filed by petitioner" is directed to be deleted.

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The submission made in the aforesaid para be read to have been made only on behalf of respondent No.5.

With the aforesaid observation and modification, the IA filed by applicants is disposed of.

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Affidavit for admission/denial of documents filed by petitioner and respondent No.6.

Rejoinder to the reply of respondent No.6 filed by petitioner returned under objections. Counsel for petitioner to check up with the registry, remove the objections and get the rejoinder placed on record within two weeks.

Renotify for completion of pleadings and marking of exhibits to the documents on 16.01.2019.

RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)

OCTOBER 23, 2018
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