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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
# **CNR No. DLHC013373552016**  
+ **FAO 15/2017, CM APPL. 901/2017 and CM APPL. 9463/2020**  
**KAMAL JASWAL & ORS** .....Appellants  
Through: Mr. S.C. Singhal & Mr.Parth Mahajan,  
Advocates

versus

**STATE & ORS** .....Respondents  
Through: None

**CORAM:**  
**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

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**19.08.2026**

1. The present appeal has been filed seeking setting aside of the order dated 30.07.2016 passed by the learned Additional District Judge-II, District North-West, Rohini Courts, Delhi in New PC No. 50444/2016.
2. Learned counsel appearing for the appellants submits that the Will of Sh. *R.P. Bahri* (deceased) was propounded by the appellants. All three legal heirs of late Sh. *R.P. Bahri* appeared and recorded their no objection in favour of the appellants. However, the probate case was dismissed solely on the ground that the Will could not be proved in terms of Section 63 of the Indian Succession Act, 1925 and Section 68 of the Indian Evidence Act, 1872. The attesting witnesses could not be produced despite diligent efforts. He submits that one of the attesting witnesses, namely, Sh. *A.V. Batra*, is now available and that there has been no objection from any member of the public or the legal heirs of the deceased. He, therefore, prays that the matter may be remanded back to the Trial Court for fresh consideration, with



liberty to examine Sh. A.V. *Batra* as well as the concerned Sub-Registrar before whom the Will was duly registered.

3. Keeping in view the aforesaid submissions and the peculiar facts of the case, the impugned order is set aside and the matter is remanded back to the Trial Court for fresh consideration.

4. Learned counsel for the appellants assures that the necessary steps for summoning and examining the aforesaid witnesses would be taken without undue delay. Let the matter be listed before the learned Principal District Judge, North-West on 07.09.2026 for directions and for assignment of the case to the concerned Court.

5. In view of the above, the present appeal is disposed of, along with the pending applications.

6. A copy of this order be communicated to the concerned Court.

**MANOJ KUMAR OHRI, J**

**AUGUST 19, 2026**

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