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

+ TEST.CAS. 42/2013

SHEELA RANI

..... Petitioner

Mr. Gaurav Mishra, Advocate with petitioner in person

versus

STATE & ORS

..... Respondents

Through : Mr.Sanjeev Sagar, Advocate with R-1 in person

Mr.Bharat Beriwal and Mr.K.C.Joshi, Advocates with R-2 in person

Mr.Pradeep Tyagi, Advocate with R-3 in person

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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21.12.2015

IA No.25246/2015(by the petitioner u/O XXIII R 1 CPC)

1. The present application has been filed by the petitioner who is a senior citizen, aged 82 years praying *inter alia* that she does not wish to pursue the present petition and it may be disposed of.

2. It is stated in the application that the present petition has been filed at the instance of the respondent No.1 and that too, without her consent.

3. Having regard to the fact that the counsel who has filed the present application on behalf of the petitioner was recently engaged to conduct the case, in February 2015, to satisfy itself about the

petitioner's intention, the court had deemed it appropriate to summon her so that it could be verified as to whether she genuinely wanted to withdraw the petition or she was doing so under any pressure.

4. Pursuant to the said order, the petitioner has appeared today. Respondents No.1 to 3 are also present with their counsels. The petitioner is found to be fairly lucid though a little confused. She states that she is ignorant of the filing of the present petition for seeking probate of the will dated 31.12.1986, executed by her deceased husband. She categorically states that she has no interest in pursuing the present petition and she was not even aware that it had been filed.

5. Counsels for the respondents state that they have no objection to the present application being allowed. Accordingly, the same is allowed. In view of the submission made by the petitioner, the petition is disposed of as not pressed.

HIMA KOHLI, J

DECEMBER 21, 2015

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