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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 486/2016**
DEEPAK KUMAR SINGH

..... Petitioner

Through Mr.Vishwendra Verma, Advocate.

versus

YOGENDRA PAL SINGH & ANR

..... Respondents

Through None.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **18.05.2016**

C.M. No.18950/2016 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

CM(M) 486/2016 & C.M. No.18949/2016 (stay)

The prayer made in the petition is that a suit for declaration pending inter se Yogender Pal Singh and Deepak Kumar Singh and the matter is ripe for final arguments but the proceedings be stayed. (No date has been mentioned as to when the next date is fixed before the Trial Court); orally learned counsel for the petitioner informs this Court that the next date fixed before the Trial Court is now 20.5.2016. Contention of the petitioner is that a probate petition titled as Deepak Kumar Singh Vs. State has been filed wherein a will of the deceased Basant Singh is under challenge. Submission being that till that probate petition is decided the suit for declaration which has also to

decide the fate of the will of deceased Basant Singh (although a will of a different date) should not be allowed to continue.

This Court is not in agreement with the submission of the learned counsel for the petitioner. This petition, in fact, is bereft of all particulars; no details have been given. The issues framed in the suit for declaration and the date of the Will which is the subject matter of the suit for declaration are not known to the Court. Even otherwise a probate petition does not decide a title.

This petition is misconceived; it is dismissed with costs quantified at Rs.10,000/-.

INDERMEET KAUR, J

MAY 18, 2016
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