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

+ **CM(M) 792/2016**

BRIJ MOHAN MEHANDIRATTA Petitioner

Through: Ms. Kamlesh Shambharwal, Advocate.

versus

THE STATE Respondent

Through: Ms. Deeptakirti Verma & Ms. Aparna Iyer,
Advocates.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **08.09.2016**

C.M. Nos.29992-29993/2016 (for exemption)

Allowed, subject to all just exceptions.

The applications stand disposed of.

CM (M) No.792/2016 & C.M. No.29991/2016 (for stay)

1. By the present petition, the grievance of the petitioner is that repeatedly attempts are being made to serve the sister of the deceased, Smt. Amarjit Kaur Chhabra despite the fact that she has moved an application opposing the petition.

2. The brief facts are that the petitioner claims to be the *rakhi* brother of the deceased, Smt. Jagjeet Chopra. It is averred that Jagjeet Chopra executed a registered Will dated 26.7.1989 in favour of the petitioner. The said Jagjeet Chopra expired on 14.6.2010 and a

probate petition is pending. The present petition is filed for grant of Succession Certificate.

3. Smt. Amarjit Kaur Chhabra is the only surviving relative of Jagjeet Chopra, that is, her sister. Notices have been sent to her but the same have not been received back. The trial court had issued fresh notice to her.

4. In the application which is said to have been sent by Amarjeet Kaur Chhabra by post, she has pointed out that she opposes the petition stating that she has never heard of the petitioner being the *rakhi* brother of her sister, Jagjeet Chopra. She further states that she is unwell and will not be able to attend the court proceedings but has opposed the present petition.

5. In these facts and circumstances, the direction to issue fresh notice so that a confirmed report of service is received is in order. There is no infirmity in the impugned order. Accordingly, the petition is dismissed.

JAYANT NATH, J.

SEPTEMBER 08, 2016
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