

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.485 of 2017**

1. Purushottamlal Sharma S/o Late Onkarlal Sharma, Aged About 80 Years '*Prem Jyoti*', Pt. Bhagwati Charan Shukla Ward, Byron Bazar, Raipur Chhattisgarh.

---- Petitioner**Versus**

1. Sanjay Kumar Sharma S/o Late Onkar Lal Sharma, Aged About 56 Years H. No. 44 / 377, Vivekanand Ward, Budhapara Ward, Sadar Bazar Road Raipur Chhattisgarh.
2. Dilip Kumar Sharma, S/o Late Onkarlal Sharma, Aged About 59 Years R/o '*Raat Din*' Medical Stores, Vivekanand Ward, Budhapara Ward, Sadar Bazar Road Raipur Chhattisgarh.
3. Yogesh Kumar Sharma, S/o Late Onkarlal Sharma, R/o '*Raat Din*' Medical Stores, Vivekanand Ward, Budhapara Ward, Sadar Bazar Road Raipur Chhattisgarh.

--- Respondents

For Petitioner : Mr. Raja Sharma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

19/07/2017

(1) Learned counsel appearing for the petitioner seeks permission of this Court to withdraw this petition with liberty that the trial Court may be directed to consider the proof of will in accordance with law as per the provision contained in Section 63 of the Indian Succession Act without being influenced by observation made in the impugned order dated 19.04.2017 dismissing the plaintiff's application under Section 45 of the Evidence Act read with Section 151 of CPC.

(2) Permission is granted as prayed for.

(3) Consequently, the writ petition is disposed off as withdrawn with the aforesaid liberty. The trial Court is directed to consider the proof of will strictly in accordance with law as per the provision contained in Section 63 of the Indian Succession Act without being influenced by observation made in the impugned order dated 19.04.2017.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-