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

+ **FAO(OS) 45/2016 & CM No.5101/2016**

AMRIT KAUR (DECEASED) THR HER LRS Appellants

Through: Mr. Harish Malhotra, Sr. Advocate
with Mr. Sunil Dalal, Advocate.

versus

STATE & ORS Respondents

Through: Mr. Ved Prakash Sharma and
Ms. Amrit Kaur Oberoi, Advocates
for R-2.
Ms. Renu Verma, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **24.07.2017**

1. Mr. Ved Prakash Sharma and Ms. Renu Verma, Advocates, on instructions, state that they want to make a statement. Mr. Ved Prakash Sharma and Ms. Renu Verma, Advocates state that without prejudice to the rights and contentions of respondent Nos.2 and 3, namely, Harveen Vohra, Divjeet Singh Vohra, Harpreet Vohra and Jitender Singh Vohra, they are not insisting on comparison of the purported signatures of late Sh. Gyan Singh Vohra in the Will dated 18.10.1993, with the alleged Will dated 7.11.1994. Further, the said respondents do not accept or acknowledge that the Will dated 18.10.1993 has not been accepted/admitted by the appellants. In case they are able to locate or find any other document with the signature of late

Sh. Gyan Singh Vohra, which are admitted by the parties, they would move an appropriate application for comparison in accordance with law.

2. Learned counsel for the appellants having heard the statement made by the counsel for respondent Nos.2 and 3 submits that as per the said appellants, they have not accepted the Will dated 18.10.1993.

3. In view of the statement made by counsel for respondent Nos.2 and 3, this appeal has to be allowed and the impugned order dated 19.1.2016 is set aside. However, setting aside of this order does not mean that the appellate court has made any comments on merits of the contentions raised with regard to the Will dated 18.10.1993 or whether or not the appellants have accepted the said Will. This issue is left open to be decided at appropriate stage.

4. The appeal is accordingly disposed of with no order as to costs.

SANJIV KHANNA, J

NAVIN CHAWLA, J

JULY 24, 2017

srb