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

+ CM(M) 294/2017 and CM Nos. 10050-51/2017

DURPATI & ORS. Petitioners
Through Mr.Puneet Kaushik, Advocate.

versus

STATE & ORS. Respondents
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
14.03.2017

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1. By the present petition filed under Article 227 of the Constitution of India, the petitioners seek to impugn the order dated 04.02.2017 by which an application under Order 18 Rule 17 CPC filed by petitioner No.1 was dismissed.
2. The petitioners have filed a petition for succession under Section 372 of the Indian Succession Act in respect of the debts and securities of deceased Ram Manohar. Petitioner No.1 claims that she is the wife of Late Sh.Ram Manohar, an aspect which is denied by respondent No.2.
3. Petitioner No.1 sought to prove certain documents, namely, the surrendered ration card, the identity card of the Election Commission and the certificate of marriage from the Panchayat at Village (Gram) Nara. The trial court noted that the evidence of the petitioner started on 01.10.2011. 4-1/2 years have lapsed, still the petitioner has failed to complete her evidence.

Hence, the court dismissed the application stating that sufficient opportunities have been granted to the petitioner to conclude her evidence.

4. Learned counsel appearing for the petitioners submits that the concerned departments should have directed the petitioner to the right department. He submits that as noted in the impugned order, the Food and Supply Department did not appear as they responded by saying that they do not have the relevant documents pertaining to the ration card surrendered by them. Now, he submits that a new address has been found from where he seeks to summon the said surrendered ration card. Similar is the case regarding the Identity Card from the Election Commission.

5. Even if the contention of the petitioner is accepted, it cannot take 4-1/2 years to summon these documents as is sought to be done by the petitioner. The trial court has exercised its discretion. There are no reasons to interfere in the impugned order under Article 227 of the Constitution of India.

6. In view of the above, the petition stands dismissed. All pending applications also stand dismissed.

JAYANT NATH, J

MARCH 14, 2017
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