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

+ **FAO 240/2016**

AGYE UDAR & ORS Appellants

Through: Ms. Anjali Nehra, Adv.

versus

STATE OF NCT OF DELHI & ORS Respondents

Through: Mr.Rajesh Kumar Sharma, Adv. for
respondents no.2 to 11 along with
respondent no.6 in person.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **12.05.2017**

CM 19789/2016

The delay in filing the appeal is condoned. The application is disposed of.

FAO 240/2016

1. The appellant has challenged the order dated 4th February, 2016 whereby learned Trial Court closed the appellants' evidence and dismissed the probate petition. Learned counsel for the appellant submits that one more opportunity to lead evidence be granted to the appellants. It is further submitted that the appellants have already deposited the cost of Rs.5,000/- imposed by the learned Trial Court.
2. Learned counsel for respondents no.2 to 11 have no objection to the appellants being granted one more opportunity to lead evidence.
3. The appeal is allowed and the impugned order dated 4th February, 2016 is set aside. The appellants are granted one more opportunity to lead the evidence before the learned Trial Court. The parties shall appear before the learned Trial Court on 4th July, 2017 when the learned Trial Court shall

fix the case for recording of the appellants' evidence.

4. The Trial Court record be sent back forthwith.

J.R. MIDHA, J.

MAY 12, 2017

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