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

+ **FAO 217/2017 and C.M. Appl. Nos. 17976/2017 (for stay) and 17977/2017 (for condonation of delay of 233 days in filing the appeal)**

SURBHI SHORY @ SUCHITRA SHARMA & ANR Appellants
Through: Mr. Kartik Khanna and Mr. Prashant
Sharma, Advocates.

versus

STATE & ORS Respondents

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
% **12.05.2017**

C.M. Appl. No. 17978/2017 (for exemption)

Exemption allowed, subject to all just exceptions.

C.M. stands disposed of.

FAO 217/2017

1. This first appeal under Section 299 of the Indian Succession Act, 1925 is filed by the petitioners in the probate petition, dismissing the probate case with respect to the Will dated 22.8.2007 of the deceased Sh. Bal Kishan Singhal. Admittedly, petitioners are

not the natural legal heirs of the deceased Sh. Bal Kishan Singhal and whose natural legal heirs were the respondents in the petition and who propounded another Will dated 10.12.2010.

2. Paragraph 6 of the judgment of the court below records that petitioner was given repeated opportunities for over a long period of three years to complete petitioners evidence, but petitioner did not lead evidence. The only evidence of witness-PW1, and who was the petitioner no. 1, was recorded in chief but thereafter she did not appear for completing her cross-examination, and hence such evidence could also not be looked into. Once, there was no evidence on record on behalf of the petitioners in support of the Will dated 22.8.2007, and evidence was rightly closed, hence I do not find any illegality in the judgment of the court below dismissing the petition for probate/Letters of Administration.

3. Dismissed.

VALMIKI J. MEHTA, J

MAY 12, 2017

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