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

+ **FAO 478/2016 and C.M. Appl. 35779/2016**

KAMAL CHAUHAN Appellant

Through: **Mr. Avadh Kaushik, Advocate**

versus

THE STATE (NCT OF DELHI) & ORS Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **11.04.2017**

1. The appellant has challenged the judgment of the Trial Court whereby the appellant's petition for letters of administration has been dismissed on the ground that the petitioner has not proved the title of the property in respect of which the letters of administration have been sought.
2. The appellant has filed an application bearing C.M. Appl. No.35779/2016 under Order XLI Rule 27 of the Code of Civil Procedure for permission to lead additional evidence to prove the title of the subject property.
3. This Court is satisfied that the additional evidence is necessary to adjudicate the appellant's entitlement to the letters of administration and, therefore, the application for additional evidence is allowed and the appellant is permitted to lead additional evidence before the Trial Court.
4. Since the additional evidence is necessary for determining the appellant's entitlement to the letters of administration, the impugned judgment is set aside and the case is remanded back to the Trial Court for recording the additional evidence. The parties shall appear before the Trial

Court on 03rd May, 2017 when the Trial Court shall fix a date for recording the additional evidence. The appeal and pending application are disposed of.

5. The record of Trial Court be returned back forthwith.

6. Learned counsel for the appellant submits that the Trial Court be directed to expedite the hearing. Learned counsel further submits that the appellant shall not seek any unnecessary adjournment in this matter. The Trial Court shall consider the appellant's prayer for expediting the hearing.

7. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

APRIL 11, 2017

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