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

+ CM(M) 882/2017 & CM No.29403/2017 (for stay)

SUNIL BAJAJ

..... Petitioner

Through: Mr. Vinay Sharma & Mr. Sahil
Talwar, Advs.

Versus

ANIL BAJAJ & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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10.10.2017

1. This order is in continuation of the earlier order dated 18th August, 2017.
2. The counsel for the petitioner, in response to the query put to him on 18th August, 2017, states that the petitioner is the son of the sister of the deceased.
3. I have enquired from the counsel for the petitioner as to how the petitioner would be an heir of the deceased.
4. The counsel for the petitioner states that the deceased was issueless and the respondents no.1 to 3 who have applied for probate of a document claimed to be the Will of the deceased are the siblings of the petitioner. The counsel for the petitioner is however unable to tell the relationship with respondent no.4.
5. Section 15 of the Hindu Succession Act, 1956, which admittedly would apply to the deceased, provides for devolution of the estate of the deceased female, in the event of intestacy, firstly, upon the sons and daughters and the husband, secondly, upon the heirs of the husband, thirdly,

upon the mother and father, fourthly, upon the heirs of the father; and, lastly, upon the heirs of the mother.

6. The counsel for the petitioner states that the petitioner is an heir of the mother of the deceased. However on enquiry as to the heirs of the husband of the deceased and / or heirs of the father of the deceased, the counsel again states that he has no knowledge. Without the petitioner averring that there are no heirs of the husband and of the father of the deceased, the petitioner cannot be the heir of the deceased.

7. Moreover, the petitioner, in the application for impleadment and against the dismissal whereof this petition has been filed, claims to have learnt of the pendency of the Probate Case from the husband of Sonia Sardana again stated to be the cousin of the petitioner and which Sonia Sardana is admittedly contesting the Probate Case.

8. The counsel for the petitioner on enquiry states that the petitioner is in good terms with Sonia Sardana and the interest of Sonia Sardana is the same as that of the petitioner.

9. Once that is so, then no error is found with the reasoning given by the Additional District Judge of the application for impleadment having been filed by the petitioner at the fag end of the Probate Case in collusion with Sonia Sardana. Moreover, the interest of the petitioner is well watched by Sonia Sardana.

10. Thus there is no merit in the petition.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

OCTOBER 10, 2017/‘gsr’..