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

+ CM(M) 1031/2017 & CM No. 34108/2017(stay)

MURTI DEVI

..... Petitioner

Through: Mr. Varun Nischal & Mr. Sudeep
Sharma, Advs.

versus

STATE & ORS

..... Respondents

Through: Mr. Sanjeev Kumar Sharma, Adv. for
R-2.
Mr. Sarsij Nayanam, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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13.12.2017

The petitioner is aggrieved by the order dated 01.08.2017 passed by the Additional District Judge on her probate case no. 50466/2016, declining to summon witnesses, her persistence for process to be issued being only for one attesting witness Jai Dev along with the Court record wherein the original will is stated to have been filed. The impugned order itself shows that the prime contest is by second and third respondents. While second, fourth, sixth and seventh are represented through their common counsel, the other respondents have not appeared, notices having been served on their respective counsel.

The parties which are present on the side of the respondents

through their counsel fairly concede to the prayer for the impugned order to be set aside and liberty to be granted for above-mentioned witness alongwith the record to be summoned.

It is ordered accordingly. The impugned order stands modified to such effect.

Given the old pendency of the case, as submitted by the parties through their counsel, the trial court is requested to expedite the proceedings.

The petition and the application stand disposed of.

R.K.GAUBA, J

DECEMBER 13, 2017/umang