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

+ RSA 49/2017 and C.M. Nos.5059/2017 (for condonation of delay) &
5060/2017 (stay)

ROHTASH KUMAR & ORS Appellants
Through: Mr. Pramod Kumar, Advocate.

versus

MAHESH KUMAR @ JAI BEER & ANR Respondents
Through:

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

ORDER

% **27.04.2017**

1. Counsel for the appellants states that he is not receiving any instructions from the appellants, and therefore, he is not in a position to argue the appeal.
2. Appeal is accordingly dismissed in default and non-prosecution.
3. I may note that by the impugned judgments, the courts below have held the Will of Sh. Sis Ram to be proved because it was a Registered Will and proved through the attesting witness who appeared as DW-2. Appellants had contended that the deceased was not of sound mind, but no documents were filed to show that the deceased was not of a sound mind or

medically unfit at the time of making of the Will. It is noted that even if the deceased suffered from cancer he had got out of ailment and there is no evidence that the deceased Sh. Sis Ram was of unsound mind.

VALMIKI J. MEHTA, J

APRIL 27, 2017

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