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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 391/2000, IA Nos.17011-17012/2011, 1632/2012
DR V.J.A.FLYNN AND ANR. Plaintiffs
Through Mr.Tarun Banga, Adv.

versus

UOI AND ORS. AF+ Defendants
Through Ms.Saroj Bidawat, Adv. for D-1
Mr.Satish Aggarwal, Adv. for D-
2/Customs
Mr.Rajeshwar Rao, Ms.Zehra Khan,
Mr.Chaitanya Puri and Mr.Zahid
Ahmad, Adv. for D-4, 6, 7, 8, 10 to
13

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **23.07.2018**

IA No. 8768/2016

This application is under Order 22, Rule 3 read with Order 6 Rule 17 read with Section 151 CPC filed by the applicant, for impleading as plaintiff No.1 being executor of the Will dated 30.11.1998, executed by plaintiff No.1(since deceased).

It is stated the probate in petition No.P-461/2016 has been granted in respect of said Will by Supreme Court of the Australian Capital Territory and certified copy of the said order is annexed with the application as Annexure C. It is submitted the right to sue survives in favour of the applicant and as such he is entitled to be substituted as plaintiff No.1 in the place of the deceased being sole executor of the Will dated 30.11.1998.

The respondent has no objection in view of the fact the petitioner is withdrawing the suit. In view of the submissions made, the application stands allowed.

However, the applicant has written a letter dated 5th February, 2018 to the Commissioner of Customs, IGI Airport, the relevant portion of which reads as under :

“5. Customs Department to consider request that the coins and items so seized/confiscated will be displayed either in the Customs Museum, or in National Museum. In case displayed in the Customs Museum, the following shall be clearly displayed “Coins Collected by Late Dr.V.J.A.Flynn – Fellow of the Royal Numismatic Society, London”. In case the coins are displayed in the National Museum a formal request shall be made by the Customs Department to the Government of India and/or Archaeological Survey of India and/or competent authority to display with a plaque bearing words to the effect : “Coins Collected by Late Dr.V.J.A. Flynn – Fellow of the Royal Numismatic Society, London”.

Copy of the said letter is handed over to the learned counsel for the Customs to be forwarded to the Commissioner-Customs. The Customs Department may do the needful, as permissible under the law.

The suit along with pending application(s) stands dismissed as withdrawn. No order as to costs.

YOGESH KHANNA, J

JULY 23, 2018
VLD