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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ TEST.CAS. 54/2016
PRABIR KUMAR CHATTOPADHYAY Petitioner

Through: Mr. Debashis Mukherjee, Adv.

Versus

STATE OF DELHI & ORS Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **11.05.2018**

1. The petition seeks probate of the document dated 15th September, 1989 claimed to be the validly executed last Will of Sh. Netai Chandra Chatterjee, son of Sh. Nirmal Chandra Chatterjee, last resident of D-664, Chittranjan Park, New Delhi-110019.
2. The petition was entertained and notice thereof to the close relatives of the deceased mentioned in the petition and citation were ordered to be issued vide order dated 20th July, 2016.
3. The petitioner did not take any steps and subject to payment of costs of Rs.5,000/-, another opportunity was granted to the petitioner.
4. The order dated 17th November, 2016 records that only respondents no.1 and 2 had been served and the respondent no.3 was unserved and citation had also not been effected; however yet another opportunity was granted to the petitioner.
5. Service of respondents and citation were not effected inspite of orders dated 22nd November, 2016, 17th April, 2017 and 22nd September, 2017.

6. Vide order dated 9th January, 2018, while giving another opportunity to the petitioner subject to payment of costs, it was also observed that if the petitioner did not take steps, the petition be listed for dismissal for non-prosecution.
7. The petitioner still did not take steps and vide order dated 16th March, 2018 yet another last opportunity was given to the petitioner to serve all the respondents.
8. The petitioner has still not taken steps.
9. The counsel for the petitioner states that the petitioner is old.
10. The petitions cannot be kept pending in this fashion.
11. The petition is dismissed with liberty to the petitioner to file a fresh petition as and when the petitioner is ready to proceed with the same.

RAJIV SAHAI ENDLAW, J

MAY 11, 2018

‘gsr’..