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

+ **FAO 400/2014**

SURENDER KUMAR TANEJA Appellant
Through: Mr. Mukul Gupta, Sr. Advocate with
Mr. Vibhor Garg, Mr. Tushar Gupta and Mr.
Deepansu Panwar, Advs.

versus

STATE AND ORS Respondents
Through: Mr. Dinesh Garg, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **27.02.2018**

FAO 400/2014 & C.M.Nos. 44699/2017 (early hearing) & 7801/2018 (by R-2 u/S 263 (d) of Indian Succession Act, 1925 r/w S. 151 CPC)

The respondent had propounded a Will, which was probated. That order has been impugned in this appeal. By way of application being: C.M.No. 7801/2018 the respondent seeks to withdraw the probate petition itself which in effect would result in negation of the impugned order.

Mr. Mukul Gupta, the learned Senior Advocate for the appellant states that *de hors* what is stated in the aforementioned application, if the probate petition is sought to be withdrawn unconditionally then he would not press this appeal.

Mr. Dinesh Garg, the learned counsel for respondent no.2 states that this Court may record that the probate petition may be dismissed as

withdrawn unconditionally.

In view of the above, the probate petition is dismissed as withdrawn. The impugned order becomes redundant. Resultantly, the appeal is dismissed as withdrawn.

NAJMI WAZIRI, J

FEBRUARY 27, 2018/kk