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

+ **FAO(OS) 186/2018**

DEVI KUMARI & ANR

..... Appellants

Through: Mr. Anand Prakash and Mr. Karan
Singh Thakur, Advs.

versus

STATE & ANR

..... Respondents

Through:

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

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07.12.2018

CM. No. 51585/2018 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CM. No. 51584/2018 (for delay)

This is an application filed by the applicant / appellant seeking condonation of 12 days delay in filing the appeal. For the reasons stated in the application delay of 12 days in filing the appeal is condoned.

Application stands disposed of.

FAO(OS) 186/2018

This intra court appeal has been filed by the appellants challenging the order dated 23rd July, 2018 whereby the appellants have been restrained from encashing any further investment made by Late Sh. Gian Chand till the next date of hearing.

It is a matter of record that the appellants herein have filed an

application being IA. No. 12478/2018 in the Testamentary Case No. 37/2018 seeking vacation of order dated 23rd July, 2018. On perusal of the order passed by the learned Single Judge in IA. No. 12478/2018, it is revealed that the appellants herein have disputed the signature of the Testator on the Will dated 26th October, 2017.

In the given background, learned Single Judge thought it appropriate to refer the matter to the CFSL. It is also a matter of fact that CFSL report has not come for consideration.

In view of the fact that the application filed by the appellants for vacation of order dated 23rd July, 2018 is pending consideration before the learned Single Judge and the date of hearing being 12th December, 2018 and it is on the submission made by the learned Counsel for the appellants the matter has been referred to CFSL, we do not see any reason to interfere in the order dated 23rd July, 2018.

The appeal is dismissed.

CM. No. 51583/2018 (for stay)

Dismissed as infructuous.

CHIEF JUSTICE

V. KAMESWAR RAO, J

DECEMBER 07, 2018/jg