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

+ FAO(OS) 323/2017, CM Nos.46721/2017 & 17585/2018

GEETA KAPUR & ORS

..... Appellants

Through : Mr. Chander Lall and Mr.
 Arvind Nayar, Sr. Advs.
 with Mr. Sanad Kumar Jha,
 Adv.

versus

NAVEEN CHANDER KAPUR & ORS ... Respondents

Through : Mr. Raman Kapur, Sr. Adv.
 with Mr. Dhiraj Sachdeva,
 Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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10.09.2018

The court has heard learned counsel for the parties. The three issues framed in the pending testamentary proceedings on 27.01.2016, of which amendment is sought, are as follows :

“(i) Whether the deceased Smt. Ved Vati Kapur died leaving behind a validly executed Will dated 3.10.1996? OPP.

(ii) Whether the present petition is barred by limitation? OPR.

(iii) Relief.”

In this court's opinion, the first issue is comprehensive and

would cover all aspects especially, the due execution of the Will and whether the testatrix had a sound and disposing capacity. In the light of the general nature of the issue (issue no.1), the objections as to the validity articulated by the appellant, i.e. existence of any suspicious circumstances shrouding its execution, would be a matter of evidence. In view of these facts, we are of the opinion that no further amendment to the issues is required.

The appeal is accordingly disposed of.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

SEPTEMBER 10, 2018

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