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

+ **TR.P.(C.) 73/2019 and CM APPL. 24809/2019**

RAJESH KHULLAR

..... Petitioner

Through: Ms Shyel Trehan, Mr Raghav Anand
and Ms Veera Mahuli, Advocates.

versus

RAKESH KHULLAR & ORS

..... Respondents

Through: Mr Rohit Nagpal and Mr Rohit
Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **05.07.2019**

1. The petitioner has filed the present petition under Section 24 of the Code of Civil Procedure, *inter alia*, praying that Probate Case No. 58130/2012 pending before the learned District Court (South), Saket be transferred to this Court to be heard along with CS(OS) No. 627/2018.
2. Ms Trehan, the learned counsel appearing for the petitioner states that the petitioner and respondent no.3 had filed a Civil Suit (CS(OS) 627/2018) in this Court seeking partition of the estate of their deceased father, Late Sh. Janak Raj Khullar. The petitioner, respondent nos. 1 and 3 are siblings and are class 1 heirs of the deceased Sh. Janak Raj Khullar.
3. Respondent no.2, who is the son of respondent no.1, has filed a Probate Case (PC No. 58130/2012) propounding a Will executed by Late Sh. Janak Raj Khullar. Concededly, some of the issues involved in the said suit and the probate case are common. The learned counsel appearing for

respondent nos. 1 and 2 also does not contest the present petition.

4. In view of the above, the present petition is allowed and the Probate Case (PC No. 627/2018), which is pending before the court of learned ADJ, South, Saket is withdrawn to this Court. The said case is directed to be listed before the concerned Registrar of this Court on 26.07.2019. The pending application is disposed of.

5. Order *dasti* under signature of Court Master.

JULY 05, 2019
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VIBHU BAKHRU, J