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

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Judgment delivered on: 23.09.2019

+ C.R.P. 188/2019

C L GUPTA & ORS

..... Petitioners

versus

KANWAR CHAND SABOO (DECEASED) THR LRS & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Natwar Rai with Ms. Geetanjali Tiwari, Advocates.

For the Respondent: Mr. Anil Sharma with Mr. Gurpreet Singh, Mr. Kunal Nath and Mr. Sahil Batra, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.37453/2019 (exemption)

Exemption is allowed subject to all just exceptions.

C.R.P. 188/2019 & CM APPL.37454/2019 (for condonation of delay in re-filing)

1. Petitioners impugn order dated 08.02.2019, whereby, application of the petitioners under Order 41 Rule 27 CPC has been dismissed with costs.

2. Learned counsel for the petitioners submits that by the said application under Order 41 Rule 27 CPC petitioners wanted to produce on record the death certificate of Mr. Yogender Pal, Advocate, who, as per him, was one of the attesting witnesses to the Will of Smt. Durga Devi dated 06.03.1978.

3. Learned counsel appearing for the respondents submits that for expeditious disposal of the appeal, which is pending before the Appellate Court, he, without prejudice, has no objection to the application being allowed and the said death certificate being taken on record.

4. Learned counsel for the parties inform that the certified copy of the death certificate has been produced on the record of the Appellate Court.

5. In view of Section 74 read with Section 77 of the Indian Evidence Act, 1872, certified copies of contents of public documents are admissible in evidence without formal proof.

6. In view of the above, impugned order dated 08.02.2019 is set aside.

7. The application filed by the petitioner under Order 41 Rule 27 seeking to place on record the death certificate of Sh. Yogender Pal, Advocate is allowed. Accordingly, the death certificate of Mr. Yogender Pal, Advocate is taken on the record of the Appellate Court

without further requirement of any proof.

8. Since the appeal of the petitioner has been pending since 1998, the Appellate Court is directed to expedite the proceedings and endeavour to conclude the same within a period of 3 months of the next date of hearing fixed before the Appellate Court (i.e. 15.10.2019).

9. Petition is disposed of in the above terms.

10. Order *Dasti* under the signatures of the Court Master.

SEPTEMBER 23, 2019
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SANJEEV SACHDEVA, J