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

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Date of Order: 07.01.2019

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F.A.O. No.365/2018

FAZAL UR REHMAN

..... Appellant

Through: Mr. S.D. Ansari & Mr. I. Ahmed,
Advocates with appellant in person.

Versus

STATE & ANR

....Respondents

Through: Mr. Pankaj Yadav, Ms. Priyaranjan
Dubey & Mr. Awanish Kumar,
Advocates for R-1.

**CORAM:
HON'BLE MR. JUSTICE VINOD GOEL**

C.M. No.31125/2018 (for exemption)

Allowed, subject to all just exceptions.

The application is disposed of.

C.M. No.31124/2018 (for delay)

There is delay of 34 days in filing the appeal. For the reasons justified in the application, the delay in filing the appeal is condoned. The application is disposed of accordingly.

F.A.O. No.365/2018

1. The order dated 26.02.2018 passed by the court of learned Additional District Judge-06, Central District, Delhi, ('ADJ') in Revocation No.02/2016 titled as *Fazal-Ur-Rehman vs. State*,

dismissing the application of the appellant under Section 263 read with Section 282 of the Indian Succession Act, is the subject-matter of challenge in this appeal.

2. The appellant filed an application before the learned ADJ for revocation of the order dated 25.04.2018 whereby letter of administration was granted to Afzal-Ur-Rehman Khan by this court in FAO No.339/2007. This application was dismissed by the learned ADJ for the reason *'Without going into the merits of the averments mentioned in the application filed u/S.263 r/w Section 282 of Indian Succession Act, it is observed that the said application is not maintainable in this Court as it challenges the order of Hon'ble High Court. The application is sheer misuse of process of law by the applicant. The application is per se misconceived and not maintainable. The application is dismissed.'* The application has been rightly dismissed by the learned ADJ being not maintainable.

3. I do not find any illegality or impropriety in the impugned order dated 26.02.2018. The appeal is dismissed accordingly.

नित्यमेव जयते

(VINOD GOEL)
JUDGE

JANUARY 07, 2019
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