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

+ **FAO(OS) 322/2017 & CM APPL. 46996/2017 (stay)**

VIJAY KUMAR AGARWAL & ANR Appellants

Through Mr. Sanjeev Sindhvani, Sr. Advocate
with Ms. Shalini Kapoor, Mr.
Dikshant Khanna, Ms. Bindita
Chaturvedi and Mr. Meet Kapoor,
Advocates

versus

SHASHI AGRAWAL & ORS Respondents

Through Ms. Meenal Duggal, Advocate for
Respondents No.2 to 11

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% **27.11.2019**

1. On the last date of hearing i.e. 14th October, 2019, the Court directed the parties to explore the possibility of arriving at a settlement through mediation.

2. The Court is informed today that mediation has failed.

3. Counsel for Respondents No.2 to 11 states, that her absence on the previous date was inadvertent and that the Respondents are very much interested in contesting the present appeal.

4. Mr. Sanjeev Sindhvani, learned senior counsel for the Appellants/Defendants Nos.1 and 9 states that the observations by the

learned Single Judge in the impugned order regarding the photocopy/attested/true copy of the Will appear to indicate a view that might have a bearing on the final outcome of the suit.

5. The Court finds that the observations can at the highest be stated to be only be a prima facie and tentative view, and cannot be construed as expressing the final opinion of the Court. It is needless to state that the final view in the suit will be taken uninfluenced by the said observations in the impugned order.

6. Likewise, it is clarified that the directions issued in the impugned order will not be construed as preventing the present Appellants from proving the Will propounded by them in accordance with law.

7. It will be open to the Appellants to move the learned Single Judge for an expedited hearing of the suit.

8. The appeal is disposed of in the above terms. The interim order is hereby vacated and the application for stay is disposed of.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 27, 2019

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