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

+ TEST.CAS. 10/2020 with I.A. 2054/2020 & I.A. 2055/2020

VIJAY BATHIJA

..... Petitioner

Through: Ms.Mithila Jain, Mr.Amit Shanker
Amist & Mr.Gaurav Gagera,
Advocates

versus

STATE & ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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13.02.2020

1. The prayer in this petition is for probate of a will dated 14.01.2004, of late Sh.Tikam Sanwaldas Bathija, to be granted in favour of the beneficiaries named therein, including the petitioner. The petitioner is one of the sons of the deceased. However, the will dated 14.01.2004 names one of the other sons of the deceased, namely Sh.Sanjay Bathija [respondent No.3 herein], as the executor of the will. In view of Section 222 of the Indian Succession Act, 1925, probate cannot be granted to the petitioner herein.

2. In view of the above, learned counsel for the petitioner seeks leave to withdraw this petition with liberty to institute a properly constituted petition.

3. The petition is dismissed as withdrawn, alongwith pending applications, granting liberty as aforesaid.

PRATEEK JALAN, J

FEBRUARY 13, 2020/ 'hkaur' /