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

+ CM(M) 428/2020

BALRAM AGGARWAL ..... Petitioner

Through Mr. Praveen Suri, Advocate.

versus

HARDWARI LAL ..... Respondent

Through None.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**ORDER**

% **26.08.2020**

**CM APPL.20420/2020 (exemption from filing certified copies) &  
CM APPL.20421/2020 (exemption from filing attested affidavits)**

Exemptions are allowed subject to all just exceptions. The duly attested copy of affidavits shall be filed within one week of the resumption of the regular functioning of the Court.

**CM(M) 428/2020 & CM APPL.20419/2020 (stay)**

1. The hearing was conducted through video conferencing.
2. Petitioners (sons of the deceased plaintiff) impugn order dated 05.08.2020, whereby, the application of the petitioners seeking recall of order dated 03.08.2019 was dismissed.
3. By order dated 03.08.2019, on an application under Order 22 Rule 3 CPC, filed by the sons of the deceased plaintiff, the Court had simplicitor issued notice to the other legal heirs, i.e. the sisters and the mother of the applicants.

4. Learned counsel for the petitioner submits that the application under Order 22 Rule 3 was filed contending that the deceased had left behind a registered Will dated 03.09.2015 and that there was no dispute *inter se* the family and all the legal heirs had accepted the Will.
5. Learned counsel for the petitioner, under instructions, submits that the applicants would be obtaining no objection certificate from the other legal heirs confirming the Will and also confirming the fact that the applicants alone should be permitted to pursue the Suit and they would not seek any impleadment in the proceedings.
6. Applicants are permitted to file, before the Trial Court, a no objection certificate-cum-affidavit in the above terms before the next date fixed before the Trial Court.
7. In view of the above, learned counsel for the petitioner seeks leave to withdraw the petition.
8. Petition is, accordingly, dismissed as withdrawn.
9. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email.

**SANJEEV SACHDEVA, J**

**AUGUST 26, 2020**  
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