



\$-3 & 4

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

Judgment delivered on: 19.10.2023

+ FAO(OS) 62/2023 & CM APPL. 25156/2023

MS PRIYA JAIN

..... Appellant

versus

MRS USHA JAIN & ANR.

..... Respondents

+ FAO(OS) 64/2023 & CM APPL. 25760/2023

PRIYA JAIN

..... Appellant

versus

USHA JAIN & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Harish Malhotra, Senior Advocate with Mr. Rajiv Bahl, Advocate

For the Respondents:

Mr. Darpan Wadhwa, Senior Advocate with Ms. Ruby Singh Ahuja, Mr. Varun Khanna, Ms. Aditi Mohan and Ms. Neelakshi Bhadouria, Advocates for R-1 & R-2
Ms. Kajal Chandra with Ms. Perna Chopra and Ms. Sakshi Anand, Advocate for R-3

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Appellant, in FAO (OS) 62/2023, seeks setting aside of order dated 29.03.2023 whereby the application filed by the appellant under Order XI Rule 12 of the CPC has been dismissed and in FAO (OS) 64/2023 appellant impugns order dated 24.04.2023 whereby application under Order XVI Rule 1 of the CPC has been dismissed.



2. After some arguments, parties have, without prejudice to their rights and contentions and solely with a view of avoiding any protracted litigation and to expedite the disposal of the suit agreed to the disposal of the appeals in the following terms:

- i) Respondent No. 1 shall provide to the appellant copies of the balance sheet of Mr. D.K. Jain for the financial years – 2003-04, 2004-05 and 2005-06 and also file copies of the said balance sheet in the Probate Petition on or before 30.10.2023.
 - ii) Appellant undertakes that appellant, on receipt of the balance sheet, shall not seek to lead any further evidence or seek recall of any witness of either party for examination/cross-examination.
 - iii) Balance sheets to be filed by Respondent No. 1 in the Probate Petition shall be read in evidence without requirement of any formal proof.
 - iv) No further applications shall be filed by the parties and they shall proceed further with the final hearing of the Probate Petition.
3. Appeals are disposed of in the above terms.
4. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

OCTOBER 19, 2023/‘rs’