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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 273/2023, CM APPL. 52705/2024**
SMT. SANDEEP KAUR THROUGH HER SPA SHRI GURBAX
SINGHPetitioner

Through: Dr. Manish Aggarwal, Ms. Barnali
Paul and Ms. Hardikaaa Kalia,
Advocates

versus

MADAN SINGLA @ MADAN LAL SINGLARespondent
Through: Mr. N.K. Kantawala, Mr. Satyender
Chahar and Mr. Amaya M. Nair,
Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
09.09.2024

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CM(M) 273/2023 & CM APPL. 52512/2024 (early hearing)

1. Next date in the present CM(M) 273/2023 is 18.09.2024 and an application seeking early hearing has been filed.
2. Notice was though directed to be issued in terms of order dated 06.03.2024 but process has returned unserved.
3. Keeping in mind the urgency cited, application is allowed and the date is preponed and the matter as such has been taken up today.
4. It is quite obvious that one Mr. Madan Lal Singla had filed a petition seeking grant of Probate/Letter of Administration in respect of *Will* dated 21.05.2015 executed by late Sh. Lakhwinder Singh.
5. Besides State, there were four other respondents including respondent

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no. 4 Smt. Sandeep Kaur.

6. When the above-said petition was pending, respondent Smt. Sandeep Kaur (petitioner herein) filed a written statement giving her “No Objection” to the grant of such Succession Certificate in favour of Mr. Madan Lal Singla.

7. Such written statement/No Objection was purportedly signed by her and was placed on record before the learned Trial Court through her counsel Ms. Bharti Bala. Such written statement was accompanied by affidavit of Smt. Sandeep Kaur.

8. It is also recorded in the order-sheet dated 16.03.2016 that she herself had appeared before the learned Trial Court along with her counsel that day.

9. It seems that thereafter fresh objections have been filed by same respondent i.e. Smt. Sandeep Kaur through her attorney Mr. Gurbax Singh claiming therein that she had neither given any “No Objection” nor had appeared before the learned Trial Court.

10. Such objection petition filed by her has been dismissed and the above-said order dated 22.08.2022 is under challenge.

11. Learned Trial Court held that after the “No Objection” had been given by Smt. Sandeep Kaur, these objections had been filed after expiry of three years and now she cannot be permitted to take a contrary stand and, therefore, her objection petition has been dismissed.

12. A query was put to learned counsel for petitioner as to how such application was moved by her attorney and why she did not herself come to the Court agitating that either “No Objection” was not bearing her signatures or that she had never appeared before the Court either herself or through any counsel, duly authorized by her.

13. Leaned counsel for petitioner states that ideally she herself should have



filed said objection petition instead of moving the same through her attorney. It is submitted that such attorney, therefore, does not press this petition and Smt. Sandeep Kaur would move appropriate application, all by herself, seeking appropriate relief before the learned Trial Court.

14. In view of the above, present petition is disposed as not pressed. Needless to say, petitioner Smt. Sandeep Kaur would be at liberty to move appropriate application/objection petition before the learned Trial Court and it will be up to the learned Trial Court to consider any such application in accordance with law without getting influenced by the impugned order dated 22.08.2022.

15. It is clarified that this Court has not expressed any opinion with respect to the merits of the claim agitated by Smt. Sandeep Kaur

16. Next date stands cancelled.

MANOJ JAIN, J

SEPTEMBER 9, 2024/dr