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

+ **TEST.CAS. 37/2021**

ATUL KUMAR SHARMA

..... Petitioner

Through: Mr. Atul Kumar Sharma, Adv.
versus

STATE NCT OF DELHI AND ORS

..... Respondents

Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER

% **26.04.2024**

1. This hearing has been done through hybrid mode.

I.A. 9197/2024 in TEST.CAS.-37/2021

2. The Petitioner has filed the present application seeking return of the original Will. As per the application, the petition seeks letters of administration in respect of the Will dated 9th October, 2018 executed by the deceased testatrix Smt Rekha Sharma, who is the late mother of the parties, with respect to the property bearing no. FD-06, Tagore Garden, New Delhi-110027, measuring 200 sq.yds. .

3. A family settlement has been arrived at between the Petitioner and the Respondent Nos. 2 and 3, who are the brother and the sister of the Petitioner. The said compromise has been arrived at in **CS (OS) 252/2020** titled '**Ajay Sharma v. Atul Sharma & Anr.**' and the same has been recorded vide order dated 12th July, 2023. Accordingly, the said suit has been decreed in terms of the family settlement dated 15th May, 2023.



4. In view thereof, Id. Counsel for the Petitioner now submits that the Petitioner also wishes to withdraw the present petition in view of the settlement and seeks return of the original Will.
5. Ld. Counsel for Respondent No. 2 has no objection.
6. Accordingly, the petition is dismissed as withdrawn in view of the settlement and in terms of the decree dated 12th July, 2023 recorded in **CS (OS) 252/2020**, which recognizes the family settlement dated 15th May, 2023. The original Will, be also returned to the Petitioner. The certified copy of the Will has already been placed on record.
7. The application and the petition stand disposed of.
8. The date of 21st May, 2024 fixed before the Joint Registrar stands cancelled.

PRATHIBA M. SINGH, J

APRIL 26, 2024/A/ks