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

+ TEST.CAS. 99/2021

DEVINDER KRISHAN PURI

.....Petitioner

Through: Mr. Nihit Nagpal, Ms. Livya P. Lalu,
Mrs. Bindra Rana and Mr. Vikrant
Rana, Advs.

versus

THE STATE & ORS.

.....Respondents

Through: Mr. Sahil Paul, Adv. for R-3

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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26.03.2025

**I.A. 5226/2025 (by the petitioner under Section 152 read with Section 151
CPC seeking correction of judgment dated 29.10.2024)**

1. The present application has been filed seeking correction of the judgment dated 29.10.2024. The learned counsel appearing on behalf of the petitioner submits that in paras 14 and 21 of the judgment, it has been wrongly recorded that both the attesting witnesses of the Will dated 07.06.1969 had pre-deceased the testator whereas the fact of the matter is that both the attesting witnesses expired after the death of the testator, who passed away on 02.04.1972.

2. He submits that one of the witnesses, namely, Mr. B.D. Mangal passed away on 23.12.2009 whereas another attesting witness, namely, Mr. D.K. Laroria passed away on 28.09.2012.



3. He submits that both the attesting witnesses were not available at the time when evidence was recorded inasmuch as both of them had passed away prior to filing of the present probate petition which was filed on 28.10.2021.
4. This position is not disputed by the learned counsel appearing on behalf of the respondent no.3.
5. In view of the above, the present application is allowed. Accordingly, in paras 14 and 21 of the judgment dated 29.10.2024, it should be read that the two attesting witnesses, namely, Mr. B.D. Mangal and Mr. D.K. Laroria passed away after the death of the testator but before filing of the present probate petition.
6. With the aforesaid correction, the application stands disposed of.

MARCH 26, 2025
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VIKAS MAHAJAN, J