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

% ***Date of decision: 02nd August, 2024***

+ **CM(M) 3088/2024 & CM APPL. 43789-43790/2024**

AMARNATH GHOSH DASTIDAR

.....Petitioner

Through: Mr. Thakur Sumit with Mr. Gaurav Rathor and Mr. Devashish Sehrawat, Advocates.

versus

STATE AND ORS

.....Respondent

Through: Mr. Mohit Bhardwaj, Advocate for R-1.
Mr. Amit Saxena, Advocate for R-2 to 6.
Mr. Brijesh Sharma, Advocate for R-7.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Petitioner is plaintiff before the learned Trial Court who is seeking probate with respect to the will left by his late father Mr. Amulya Chandra Ghosh.
2. The trial was already at the last stage when two applications were moved from the side of the respondents under Order VII Rule 14 CPC and Section 151 CPC.
3. By virtue of first application, the respondents/objector wanted to place on record report of handwriting expert of one General Examiner of



Questioned Documents (GEQD), Shimla, Government of India, which has though been given in context of one criminal case but relates to Will in question i.e. will dated 10.05.1996.

4. The learned Trial Court has permitted such report to be placed on record.

5. Mr. Amit Saxena, learned counsel for respondent No. 2 to 6 and Mr. Brijesh Sharma, learned counsel for respondent No. 7 appears through *video conferencing* on advance notice and accepts notice.

6. During course of arguments, Mr. Saxena, very fairly, admits that their grouse has been adequately taken care of by the learned Trial Court by permitting them to place on record the aforesaid report of GEQD, Shimla and, therefore, at the moment they do not seek any further examination of the Will in question through another handwriting expert.

7. It is stated that, therefore, to that extent that they would not be bringing in another handwriting expert.

8. Learned counsel for the petitioner states that in view of the aforesaid statement, he also does not press his present petition. He states that, as even acknowledged by learned Trial Court in impugned order, he would reserve his right to conduct cross-examination of said GEQD.

9. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 2, 2024/sw