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

+ **FAO 125/2016 and CM APPL. 10110/2016 – STAY**

SUVIDHA ADLAKHA & ANRAppellants

Through: **Mr. Sudhir Kumar Sharma and
Mr. Pranjal Rai, Advs.**

versus

STATE & ORSRespondents

Through: **Mr. Gaurav Chauhan, Adv. for
R-2.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **14.05.2025**

1. This appeal has been preferred under Section 299 of the Indian Succession Act, 1925 assailing the impugned order dated 29.10.2015 passed by the learned Additional District Judge-02 (South), Saket Courts, New Delhi [**“Probate Court”**] which has come up for final disposal.

2. The long and short of the submissions which have been made on behalf of parties is that the petitioners, who are respondents in the present appeal, are propounding a Will dated 13.04.2004 purportedly executed by the deceased-testatrix, namely Smt. Sudesh Dua, their mother, who passed-away on 15.11.2004.

3. It appears that during the course of proceedings in the above-noted proceedings, an application under Section 3 read with Article 137 of the Limitation Act, 1963 has been moved on behalf of the appellants, who happen to be the sister and brother-in-law of the respondents, claiming that the petition for grant of probate of the Will

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dated 13.04.2004 is barred by limitation. The learned Probate Court *vide* detailed order dated 29.10.2015 has repelled such objections.

4. During the course of arguments, it is also pointed out that the matter is almost at the final stage in as much as the appellants are under cross-examination.

5. After some arguments, learned counsel for the appellants seeks permission to withdraw the present appeal with liberty to raise the appropriate legal submissions before the learned Probate Court, at the time of addressing the final arguments.

6. Learned counsel for the respondents has no objection if the appellants are permitted to withdraw the present appeal.

7. In view of the above, the present appeal is dismissed as withdrawn without prejudice to the rights and contentions of the parties.

8. At this stage, it is submitted that the Trial Court Record in physical form is with this Court. Let the same be returned back forthwith to the Court concerned.

9. The present appeal along with pending application stands disposed of.

DHARMESH SHARMA, J.

MAY 14, 2025/*Sadiq/sa*