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

+ **CM(M) 1709/2025 & CM APPL. 55655/2025**

SMT LATA RANI SHARMA

.....Petitioner

Through: Ms. Zubeda Begum with Mr. Ayush,
Advocates.

versus

STATE & ANR.

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **03.09.2025**

1. Respondent No.02-Ajay Kumar Sharma (since deceased) has filed a Probate Petition and probate was granted in his favour on 07.11.1997.
2. The case of the petitioner is that such probate had been obtained on the basis of a fraudulent "*no objection affidavit*" which has been attributed to her, in which her name had been shown as "Shyam Lata".
3. Discovering such fraud, the petitioner filed a petition under Section 263 of *Indian Succession Act, 1925*, seeking revocation of said probate.
4. Learned Trial Court *vide* order dated 28.07.2025 has directed one Document Ex-PW-1/IX (a marriage card), filed by the objector to be sent to Forensic Science Laboratory (FSL) and it has also directed the Objector (petitioner herein) to give her thumb impression for further comparison in continuation of earlier order dated 15.01.2021.
5. Such directions are under challenge.
6. Learned counsel for petitioner submits that the matter is getting delayed, unnecessarily and the petitioner/Objector, who is an octogenarian and probably, may not even see the outcome during her life time.
7. It is also submitted that the purpose of thumb impression may not be of any real significance, particularly, when at such an advanced age, the fingerprint

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ridge patterns and characteristics must have undergone certain changes.

8. She also submits that the specimen thumb impressions are now required to be compared with the documents which were executed more than 25 years back and, therefore, the abovesaid exercise seems to be totally unwarranted.

9. However, after hearing arguments for some time, learned counsel for petitioner submitted that she would not press the present petition provided the learned Trial Court is requested to get the requisite opinion from FSL as expeditiously as possible so that there is no delay in disposal of her Objection Petition which is, even otherwise, at the stage of final arguments.

10. In view of the above, the present petition is disposed of with request to learned Trial Court to give specific direction to the concerned FSL Authorities to submit the report as expeditiously as possible and, preferably, within a period of three months.

11. However, at the same time, the petitioner herein would also act quickly for the purposes of providing her Right Thumb Impression (RTI).

12. The petition stands disposed of as not pressed.

13. All rights and contentions of petitioner are reserved.

14. Pending application also stands disposed of in aforesaid terms.

15. Needless to say, since the case is already at the stage of final arguments, the learned Trial Court would also make its best endeavour to dispose of the petition as expeditiously as possible.

MANOJ JAIN, J

SEPTEMBER 3, 2025/sw/SHS