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

Reserved on: 16th March, 2026
Date of Decision: 19th March, 2026

+ **CM(M) 600/2023 & CM APPL. 18756/2023**

MRS. POONAM KUMAR Petitioner
Through: Mr. R. K. Saini and Mr. Dashmesh
Tripathi, Advs.

versus

YASH PAL KARVAL (THROUGH LRs) & ORS. Respondents
Through: Mr. Vineet Chadha and Mr. Anmol
Sethi, Advs.

CORAM:
HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER

1. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, 1950, assailing the order dated 17th March, 2023 passed by the learned Trial Court in Probate Case No. 06/2018, whereby the application filed on behalf of the petitioner seeking consideration of the maintainability of the replication dated 21st January, 2021 has been dismissed.
2. I have heard the learned Counsel for the parties and perused the record.
3. The Respondent No. 1 (since deceased) has filed a petition under Section 276 of the Indian Succession Act, 1925 for grant of probate/letter of administration to the estate of Late Shri Ram Lal Karval on the basis of Will dated 16th December, 2004. On 19th July, 2018, the petitioner/respondent no.



2 (in the probate petition) filed objections to the probate petition in the Trial Court and the matter was adjourned to 17th November, 2018 for filing the reply to the said objections. The reply was not filed on that date and the matter was adjourned to 27th March, 2019 for filing the reply. The reply/rejoinder was filed on 21st January, 2021.

4. On 01st November, 2022, the petitioner moved an application under Section 151 of the Code of Civil Procedure, 1908 for treating the replication as not maintainable. *Vide* impugned order, the application has been dismissed by the Trial Court.

5. Learned Counsel for the petitioner has argued that the replication has been filed after an inordinate delay of about two years and seven months from the date of filing of the objections, despite the fact that sufficient opportunities has been granted to file the same. Learned Counsel further submits that the replication has been filed solely with the intent to introduce a new stand in the case. The Trial Court has passed the impugned order without due appreciation of the facts and material on record. Accordingly, it is prayed that the impugned order be set aside.

6. Per contra, learned Counsel for the respondents submits that the impugned order has been passed by the Trial Court after considering the material on record. The application has been filed by the petitioner only to delay the probate proceedings. The delay in filing the reply/rejoinder is on account of death of the respondent no. 1 who is now represented through his legal heirs and also, on account of COVID-19 pandemic. The petition is without any merits and is liable to be dismissed.

7. From the material on record, it is evident that there is a delay of about 2 years and 7 months in filing the reply/rejoinder. The petitioner has not



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objected to the filing of the same in the trial court and, in fact, moved the present application after about one year from the date when the reply/rejoinder has been taken on record. A perusal of the record further shows that no objection was raised by the petitioner at the time when an opportunity was granted to file the reply/rejoinder, or even when further adjournments were granted. The delay in filing the reply/rejoinder has also been attributable on account of the demise of respondent no. 1 and COVID-19 pandemic during that period. Keeping in view these facts and circumstances of the case, this Court does not find any infirmity in the impugned order passed by the Trial Court, and the same is upheld. The present petition is dismissed as being devoid of any merits. Pending application(s), if any, also stand disposed of.

**RAJNEESH KUMAR GUPTA
JUDGE**

MARCH 19, 2026/TP