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

% **Date of Decision: 20th May, 2025**

+ CM(M) 939/2025 & CM APPL. 30848-30849/2025

PONANGI LAKSHMI SUNEETHAPetitioner

Through: Ms. Tanu Priya Gupta and Ms. Khushi
Sharma, Advocates

versus

SATYANARAYANAMMA GANDHAM AND ANR.

.....Respondent

Through: Ms. Azra Rehman and Mr. Zakir
Rehman, Advocates for R-1 & R-2
(Through VC)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a petition filed under Section 372 of Indian Succession Act for grant of *succession certificate*.
2. She is aggrieved by two orders.
3. First order is dated 13.01.2025 whereby her right to lead evidence has been closed and the other order is dated 16.04.2025 whereby her request to place on record additional documents did not find favour with the learned Trial Court.
4. During course of the arguments, learned counsel for petitioner submits that she is restricting her request, merely, for the purposes of permitting her to enter into witness box and she is not requesting for placing on record any additional document.
5. On asking of this Court, learned counsel for petitioner contacted learned counsel for respondent nos. 1 & 2 and on the basis of such advance



intimation, Ms. Azra Rehman, learned counsel for respondent nos. 1 & 2 has joined the proceedings through videoconferencing.

6. Ms. Rehman submits that learned Trial Court was fully justified in closing the opportunity of petitioner for leading evidence as despite indulgence given by the learned Trial Court in this regard, on repeated previous occasions, there was no endeavour from her side to lead evidence and, therefore, according to her, impugned order does not suffer from any illegality or infirmity.

7. Learned counsel for petitioner does admit that petitioner herein should have been extra careful and should have taken requisite steps for getting herself examined but also submits that it would travesty of justice if in a Succession Petition where the petitioner herein is the sole contesting respondent is denied any opportunity to lead evidence.

8. According to petitioner herein, though in Succession Petition, it has been claimed that Mr. Nand Gopal Gandham had died intestate and had not left behind any *Will* but according to objector, her father Mr. Nand Gopal Gandham had left behind a *Will* dated 26.06.1997 and if her right to lead evidence is denied absolutely, she would be left with no recourse to prove the aforesaid *Will* in accordance with law.

9. The Court has gone through order dated 13.01.2025.

10. Admittedly, petitioner herein has taken undue liberty to the indulgence given by the learned Trial Court from time to time. Though, apparently, there is no illegality or perversity in the impugned order, keeping in mind the nature of case and in the interest of justice, petition is disposed with direction that petitioner herein Ms. Ponangi Lakshmi Suneeth is granted one last and final opportunity to enter into witness box in her defence.



11. It is informed that her affidavit has already been filed before the learned Trial Court and the copy thereof has also been supplied to the learned counsel for respondent herein. Petitioner Ms. Ponangi Lakshmi Suneeth would appear before the learned Trial Court on 24.05.2025 at 10.00 AM for recording of her *examination*.

12. This Court expects that learned counsel for the petitioner in such Succession Petition would also make herself available so that cross-examination is also conducted same day. This is, however, subject to the convenience and board position of learned Trial Court and, if for any reasons whatsoever, learned Trial Court chooses to adjourn the matter to any subsequent date, it is expected that both the sides and said witness would appear on such date and ensure that *examination* and *cross-examination* is complete without any further delay.

13. All in all, petitioner herein would be permitted to one but effective opportunity of entering into witness box.

14. For causing delay in the matter, petitioner is burdened with cost of Rs. 25,000/- which shall be paid to the opposite side on 24.05.2025.

15. Petition stands disposed of in the aforesaid terms.

16. All the pending applications are also disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

MAY 20, 2025/dr/shs