

CS No. 57837/16

Inderjit Kaur Vs. Anand Singh

22.01.2019

Present: Ms. Kawaljit Kochar, Ld. Counsel for plaintiff no.3 along with plaintiff no.3 in person.

Plaintiff no. 4 in person.

Shri Pradeep Purohit, Ld. Counsel for defendant nos.1 to 4.

Shri Udaibir Singh Kochar, Ld. Counsel for defendant no.5.

In between the dates of hearing, three review applications were moved thereby seeking review of the order whereby undersigned has granted plaintiff no.2B, permission to cross-examine plaintiff no.3. These review applications have been moved by defendant nos.1 to 4, second application by defendant no.5 and third application by plaintiff no.3.

Arguments heard in detail.

It is the case of plaintiff no.3 that she recovered photocopy of the said Will from the cupboard of late Inderjit Kaur. Though it is mentioned in one of the orders of the Court that it is original Will but it is admitted by all the parties that original is not placed on record. Even plaintiff no.3 admitted in her cross-examination that original Will is not on record which position is maintained till today.

It is the case of plaintiff no.2B that her rights are being affected by the said Will and hence she may be given permission to cross-examine plaintiff no.3 on the said Will.

I have heard both the sides and gone through the record.

As far as Will is concerned, there is a separate issue being framed qua the Will vide order dated 26.07.2018. However, it is the case of plaintiff no.3 that she recovered this Will from the cupboard of Inderjit Kaur. This Will was not handed over to plaintiff no.3 or any of the parties herein. This Will was not executed in the presence of any parties herein. Moreover, original is not traceable as of now. It is not the case of any of the parties that original is lost or destroyed. In the circumstances, in view of the position qua this Will as of date, I do not deem it appropriate nor necessary to permit plaintiff no.2B permission to cross-examine plaintiff no.3. Present is a 13 years old matter and such permission would only delay the matter further.

However, at any stage if there are change in the circumstances qua this Will, then this Court may reconsidered the request of plaintiff no.2B regarding cross-examination.

With these observations, all the three review applications are allowed.

In between the dates of hearing, reply to Section 151 CPC application of plaintiff no.2B be filed.

Put up for disposal of this application on the next date of hearing.

Now it is listed for evidence of plaintiff no.3 evidence who has to summon witness form DDA.

Put up for evidence on **04.02.2019**.

(TWINKLE WADHWA)
ADJ-03/PHC/NEW DELHI
22.01.2019

