

25.09.2023

This case has been listed before the undersigned for the first time since the undersigned has joined the present posting on 31.08.2023.

Present: Sh. Fanish Jain, Id. Counsel for the petitioner alongwith petitioner in person
Sh. Amit Bhatia, Id. Counsel for R-2 with R-2 in person.
Sh. Arun Gupta and Sh. Rajeev Kumar, Id. Counsel for R-3

Ld. Counsel for the petitioner submits that he wants to exhibit certified copy of the Will, which he has obtained from the Hon'ble High Court of Delhi, in the evidence of PW-1. Ld. Counsel for respondent no. 2 objected to the same and submitted that the witness should bring original Will in Court for the purpose of exhibited the document and certified copy cannot be exhibited in the absence of original Will and it should be marked. Submissions heard. Certified copy of the Will is allowed to be exhibited in the evidence of PW-1 as Ex. PW-1/1, in view of the judgment of the Hon'ble High Court of Delhi titled as Sudhir & Engg. Co. Vs Nitco Roadways Ltd. 1995, in which it is clarified by the Hon'ble High Court that mere marking of a document as exhibit does not prove the document and the burden lies upon the party who is tendering the document to prove the said document as per law.

PW-1 has been examined in chief and his cross-examination is deferred at the request of Id. Counsel for R-2.

Cont. 2

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Put up on 23.01.2024 for P.E. It is also made clear to the petitioner that if he wants to examine other witnesses in the court he shall take steps within four weeks.

(SHIV KUMAR)
ADJ-02, West Distt.
Tis Hazari Courts
Delhi:25.09.2023 (S)