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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TEST.CAS. 3/2011**

NAVEEN CHANDER KAPURPetitioner
Through: **Mr.Dhiraj Sachdeva, Adv.**
Versus

STATE & ORSRespondents
Through: **Mr.Peeyoosh Kalra, Adv. for R3 to 5**
with Mr.S.K. Jha, Adv.
Ms.K. Sinduja, Adv. for R2.

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. SURYA MALIK GROVER (DHJS)

ORDER

% **15.02.2021**
THROUGH VIDEO CONFERENCING

Ld. Counsel for respondent No.2 submits that she has been recently engaged in this matter and shall file her *vakalatnama* within a week positively.

Learned counsel for respondent Nos.3 to 5 submits that as per the provisions of Order 18 Rule 3A CPC, petitioner must be examined prior to the attesting witnesses and, therefore, petitioner may be directed that he shall appear for his examination prior to the attesting witness, whose affidavit has already been filed.

Learned counsel for petitioner, on the other hand, submits that this is a case for grant of probate and as per prevailing practice, and also settled law in this regard, generally, the attesting witnesses are examined prior to the petitioner. Both sides are directed to file case law on the aforesaid issue within a week positively.

List the matter for consideration of aforesaid issue on **17.03.2021**.

SURYA MALIK GROVER (DHJS)
JOINT REGISTRAR (JUDICIAL)

FEBRUARY 15, 2021/neelam