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

+ **TEST.CAS. 2/2019**

SANJEEV SACHDEVA

..... Petitioner

Through: Counsel for petitioner.

versus

RENU BANSAL & ORS.

..... Respondents

Through: Ms. Monica Kapoor, Advocate for R1
with R1 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **16.05.2024**

I.A. 18745/2023 (under Order XVI Rule 1 CPC filed on behalf of the petitioner/applicant to file on record documents of the deceased Testatrix to be tendered by the petitioner's witness No. 2)

1. The application under Order XVI Rule 1 CPC has been filed on behalf of the petitioner, seeking permission to place on record the copy of deceased's Election Card, Passport, Bank Passbooks of Joint Account of SBI.
2. It is submitted in the application that these documents had been filed along with the affidavit of evidence of petitioner No. 2, to which an objection has been taken on behalf of the respondents that they had not been placed on record earlier. Therefore, the present application has been filed for permitting the documents to be taken on record.



3. Learned counsel appearing on behalf of the respondents, has contested the application, on the ground that the petitioner had requested for examination of PW-2 before PW-1 because of his ailments and age and the matter had been preponed for recording of his evidence on 22.09.2022. The three documents had not been filed earlier by the petitioner but only with the affidavit of evidence of PW-2, for which reason, an objection has been taken on behalf of the respondents. It is further submitted that the authenticity of these three documents, which pertains to the deceased, is not under challenge.

4. **Submissions heard.**

5. Considering the nature of the documents, the authenticity of which is not seriously contested by the respondents, the application is allowed and the three documents are taken on record. The copy of the documents be also supplied to the respondents.

6. It is hereby clarified that on no ground the testimony of PW-2, shall be deferred who would be examined with whatever documents produced by PW-2.

7. The application is accordingly allowed.

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8. Be listed before the learned Joint Registrar on 16.07.2024, for recording the evidence.

NEENA BANSAL KRISHNA, J

MAY 16, 2024/RS