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IN THE HIGH COURT OF DELHI AT NEW DELHI

TEST.CAS. 15/2021

ARVIND VIRMANI

.....Petitioner

Through: Mr. Preet Pal Singh & Mr. Yash
Saini, Advs. (Mob.9811813141)

Versus

STATE & ORS.

.....Respondents

Through: Ms. Avni Singh, Panel Counsel,
GNCTD with Mr. Rushikant,
Adv. For R-1/State
Ms. Gurmeet Kaur & Mr. Surabh
Pandey, Advs. For R-2,3&5
Mr. Pardeep Dahiya, Adv. For
R-4

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

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17.03.2025

**IA no.6864/2025 under Order XVIII Rule 3A CPC
moved by the petitioner for directions**

1. It is stated by learned counsel for the applicant that respondent no.4 is the only contesting respondent in the present petition.

2. At this stage, it is stated by learned counsel for the respondent no.4 that without prejudice to his rights and contentions to the averments made in the captioned IA, he has no objection, if captioned IA is allowed.

3. Heard. In view of above and in view of reasons stated in the application, the captioned IA stands allowed as prayed for. Accordingly, the captioned IA stands disposed of.

TEST.CAS. 15/2021

4. As per office note, fresh List of Witnesses filed by the petitioner is lying under objections. At oral request of learned counsel for the petitioner, the delay in filing fresh List of Witnesses filed by the petitioner is condoned and



the petitioner is directed to take requisite steps to bring the same on record as per law.

5. As per record, E-copy of Evidence by way of Affidavits of three witnesses filed by the petitioner are already on record. However, the petitioner has not filed hard copy of said Evidence Affidavits till date despite the order dated 29.10.2024. So, cost of Rs.1000/- is imposed upon the petitioner to be deposited with Delhi High Court Legal Services Committee and the last and final opportunity is granted to the petitioner to file physical copy of said Evidence Affidavit within two weeks.

6. It is stated by learned counsel for the petitioner that he filed an application for recording of evidence of one of the attesting witnesses Mr. Suman Mehta (joined through VC) either through learned Local Commissioner or through video conferencing. Learned counsel for the respondent no.4 submits that he has received advance copy of said IA. However, he submits that the same has been filed only on 10.03.2025 with a view to delay the recording of evidence in the present matter. The said contention is strongly denied by learned counsel for the petitioner. As per office note, no such application is listed today. It is stated by learned counsel for the petitioner that he has removed all the objections and it will be listed before the Hon'ble Court shortly.

7. Learned counsel for the respondent no.4 has already stated that the Evidence Affidavits already on record filed by the petitioner are all of the attesting witnesses to the Will and hence, he wants to cross-examine the said three attesting witnesses to the Will on the same day and as



stated by learned counsel to the petitioner that he has filed an application for recording of evidence of one of the said witness either through learned Local Commissioner or through video conferencing.

8. Vide order dated 21.02.2024, parties were directed to file List of Witnesses. Despite the said order, no List of Witnesses have been filed by any of the respondents till date.

9. It is stated by learned counsel for respondent no.2,3&5 that she does not wish to file any List of Witnesses as she only wants to examine respondent no.2,3&5.

10. No List of Witnesses has been filed by respondent no.4 till date for which no plausible explanation is furnished by respondent no.4. So, cost of Rs.500/- is imposed upon respondent no.4 to be deposited with Delhi High Court Legal Services Committee and the last and final opportunity is granted to respondent no.4 to file List of Witnesses in the prescribed format as per law within three weeks with copy to the opposite side.

Re-notify the matter for PE on 14.07.2025.

**PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MARCH 17, 2025/ab

[Click here to check corrigendum, if any](#)