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

+ TEST.CAS. 16/2008

COL. SURESH CHAND & ANR. Petitioners

Through: Mrs. Mala Goel, Adv.

Versus

STATE & ANR. Respondents

Through: Mr. Shivi Sanyam & Ms. Sanjugeeta,
Adv. for Mr. Akshay Makhija, Adv.
for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **24.03.2017**

IA No.3763/2107 (of P-1 u/O 26 R-7&12 CPC)

1. The petitioner No.1 has filed this application stating that Mr. Sunil Dalal, Advocate appointed as the Court Commissioner to record the testimony of the two attesting witnesses of the Will, though has signed the testimony of one of the witnesses, his signatures do not appear on the testimony of the other witness.
2. The counsel for the respondent No.2 appears on advance notice.
3. On a reading of the averments in the application, it appears that there is no need for a direction as sought to Mr. Sunil Dalal, Advocate to sign the testimony of the witness which has remained to be signed.
4. The application is disposed of by observing that the testimony recorded of Mr. Prakash Arya, Advocate and filed with the report of the Court Commissioner Mr. Sunil Dalal, Advocate has been recorded by Mr. Sunil Dalal, Advocate as Court Commissioner.

RAJIV SAHAI ENDLAW, J.

MARCH 24, 2017/bs..