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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 593/2012**
RAVINDER KAUR CHAWLA Plaintiff
Through: Mr.Raman Kapur, Sr. Adv with
Mr.Aviral Tiwari, Adv.

Versus

IQBAL SINGH SABHARWAL & ORS Defendants
Through: Mr. Ashish Dixit, Ms. Dristhi Jha &
Mr. Rishabh Tripathi, Advs. for D-2.
Mr. Nikhil Mundeja, Adv. for D-4.
Mr. Saleem Hasan, Adv. for D-7.
Mr. Manish Kumar, Adv. for D-10.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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11.05.2018

1. Though the defendant no.2, in terms of para 10 of the order dated 7th March, 2018, produced a witness before the Joint Registrar on 4th May, 2018 but the counsel for the plaintiff and the counsel for the defendant no.10 objected on the ground that the affidavit by way of examination-in-chief of the said witness had not been filed.
2. The learned Joint Registrar has rightly recorded that there was no direction for filing of the affidavit.
3. The senior counsel for the plaintiff appearing on advance notice states that without the plaintiff knowing who is the witness, the plaintiff could not have cross-examined the witness.
4. The counsel for the defendant no.10 supports the argument made by the senior counsel for the plaintiff.
5. The said request should have been made on 7th March, 2018 and no fault can be found with the defendant no.2.



6. Be that as it may, the counsel for the defendant no.2 has today informed that the name of the witness to be examined is Mr. Amarjeet Singh and the said witness will identify the signatures of Mr. Karam Singh, witness to the document claimed to be the Will, as well as of the executant of the document claimed to be the Will. He further stated that the said witness Mr. Amarjeet Singh is the childhood friend of Mr. Karam Singh and the executant of the document claimed to be the Will.

7. The counsel for the defendant no.2, on enquiry states that the affidavit by way of examination-in-chief of the said witness can be filed and besides the said witness, the other witnesses will be examined only in terms of the order dated 7th March, 2018.

8. The affidavit by way of examination-in-chief of Mr. Amarjeet Singh be filed on or before 31st May, 2018 with advance copy to the other counsels.

9. List before the Joint Registrar on 21st May, 2018, for fixing the dates for evidence of the defendant no.2.

RAJIV SAHAI ENDLAW, J

MAY 11, 2018

10. The counsel for the defendant no.2 has mentioned the matter stating that he had earlier wrongly stated that Mr. Amarjeet Singh is the childhood friend of Mr. Karam Singh and the executant of the document claimed to be the Will; it is stated that Mr. Amarjeet Singh is a family friend of Mr. Karam Singh and the executant of the document claimed to be the Will.

11. Presence of the counsel for the plaintiff has been procured.

12. The aforesaid is taken note of.

RAJIV SAHAI ENDLAW, J

MAY 11, 2018/‘gsr’..

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