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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1414/2025 & CM APPL. 46523/2025**
MANISH KUMAR & ANR.Petitioner

Through: Ms. Meenu Duggal, Advocate along
with petitioner-in-person

versus

MAHENDRI KUMARI & ANR.Respondent
Through: Mr. Piyush Beriwal, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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06.08.2025

CM APPL. 46523/2025 (exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 1414/2025

1. Petitioner has filed a *Probate Petition* and when an attesting witness to the *Will* in question was produced for deposition, such witness gave some uncomfortable answers which were not to the liking of the petitioner. It was in the aforesaid backdrop that the petitioner moved an application under Order XVIII Rule 17 CPC praying therein that the witness be recalled for requisite clarification and for further examination in terms of Section 154 of Indian Evidence Act, 1872 (corresponding Section 157 of Bharatiya Sakshya Adhiniyam, 2023).
2. The challenge herein is to the denial of his said request.
3. Learned counsel for respondent no. 2 appears on advance notice but submits that he is representing Delhi Police and Delhi Police has no role in the

CM(M) 1414/2025

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present matter.

4. Learned counsel for petitioner undertakes to suitably amend the *Memo of Parties* qua respondent no. 2.
5. Let it be done within one week.
6. Issue notice through all permissible modes including *dasti*. Notice be also issued through counsel.
7. List on 09.10.2025.

MANOJ JAIN, J

AUGUST 6, 2025/dr/js