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

+ **CS(OS) 617/2006**

MRIDUL AGGARWAL

..... Plaintiff

Through: Plaintiff in person.

versus

PRABHA DEVI GUPTA & ORS.

..... Defendants

Through: D-2 in person.

Mr. Anuj P. Agarwala, Adv. for D-3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **15.04.2019**

IA No.1038/2019 (of D-1&2 u/O XVI r/w S-151 CPC)

1. This order is in pursuance to the order dated 3rd April, 2019 on IA No.1038/2019.
2. The counsel for the defendant no.3 states that the defendant no.3 wishes to cross-examine Parveen Kumar Gupta, Davendera Sain and Moinuddin Siddique and has confidentially disclosed the reasons for seeking to cross-examine.
3. The plaintiff in person though opposes, saying that it will unnecessarily cause delay but is unable to show any law which disentitles the defendant no.3 though supporting the plaintiff, from cross-examining the witnesses to the Will whose evidence recorded in another proceeding is sought to be read in this proceeding also.
4. Accordingly, the defendant no.2 is permitted to summon the said witnesses for cross-examination by the counsel for the defendant no.3.
5. The plaintiff again on enquiry states that the plaintiff does not need to cross-examine the said witnesses.

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6. The application is disposed of.

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7. Affidavits by way of examination-in-chief and the cross-examination of Parveen Kumar Gupta, Davendera Sain and Moinuddin Siddique are already stated to be on record. The defendant no.2 is permitted to summon the aforesaid witnesses for cross-examination by the counsel for the defendant no.3 with reference to the affidavits by way of examination-in-chief of the said witnesses filed in the other proceedings and copies of which are on record.

8. For reasons disclosed, defendant No.3 is also permitted to cross-examine defendant No.2.

9. List before the Joint Registrar on 8th May, 2019 for scheduling the dates for cross-examination of defendant No.2 by counsel for defendant No.3 and for summoning of the aforesaid witnesses for cross-examination.

10. The defendant no.2 to summon all the said witnesses on the date given by the Joint Registrar and the counsel for the defendant no.3 to make an endeavour to conclude cross-examination of all the witnesses on the same date.

11. List before the Court for report on 25th September, 2019.

RAJIV SAHAI ENDLAW, J

APRIL 15, 2019

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