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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TEST.CAS. 38/2014**

HARKIRAT SINGH SODHI Petitioner
Through Mr. Lalit Gupta with Ms. Garima
Goel, Advs.

versus

GOVT OF NCT OF DELHI & ORS Respondent
Through Mr. Manish Kumar Saryal, Adv. for
R-2 to 4

CORAM:

**ASHUTOSH KUMAR (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% **11.11.2016**

**IA No.22943/2015 u/O XIII R. 10 r/w Section 151 CPC moved by
petitioner for summoning of records of Test Case No.42/2014
alongwith 'Will' dated 07.09.2014 allegedly executed by Ms.
Surinder Kaur Sodhi placed in sealed cover by the Hon'ble Court**

Arguments were heard on 10.11.2016.

Vide order dated 20.05.2015 in IA No. 7458/2015 moved by
petitioner, the Hon'ble Court had permitted him to examine PW Mr.
Ashok Kumar as a witness.

By means of present application, the petitioner seeks
production of original records of Test. Cas. 42/2014 containing the
alleged **Will** dated 07.09.2014 of Ms. Surinder Kaur Sodhi
(propounded by respondent nos. 2 to 4).

During course of arguments on specific query, learned counsel
for petitioner had admitted that the captioned IA No. 7458/2015
whereby PW Ashok Kumar was permitted to be examined does not
even talk about the records of Test. Cas. 42/2014 or the **Will** dated

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07.09.2014 of Ms. Surinder Kaur Sodhi.

No issues have been framed till date. I find force in the submissions of learned counsel for respondent nos. 2 to 4 that the records of Test. Cas. 42/2014 containing **Will** dated 07.09.2014 of Ms. Surinder Kaur Sodhi, cannot be summoned for the purpose of evidence of PW-1 Mr. Ashok Kumar, as allowing the same would be beyond scope of permission granted by the Hon'ble Court in IA No. 7548/2015 and also by seeking to summon the aforesaid record, the petitioner is trying to disprove the case of respondent nos. 2 to 4 regarding the **Will** propounded by them whereas the petitioner is supposed to prove his own case regarding the **Will** propounded by him. Accordingly no justifiable ground for permitting summoning of the records as prayed for, is made out at this stage. However the petitioner would be at liberty to summon the said records for confronting the witnesses of respondent nos. 2 to 4 in their cross-examination, if required, after justifying the same. IA is accordingly dismissed and disposed of.

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Put up before learned Local Commissioner for remaining evidence of PW Mr. Ashok Kumar on 02.12.2016. Learned counsel for the parties shall contact learned Local Commissioner in this regard in advance.

**ASHUTOSH KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)**

NOVEMBER 11, 2016/cd