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

+ **CS(OS) 558/2017**

**MS. SHEETAL SAWHNEY** ..... Plaintiff

Through: **Mr. J.K. Nayyar, Adv.**

versus

**MRS NARESH SAHWNEY & ANR** ..... Defendants

Through: **Mr. K. Sunil & Ms. Srishti Prasad,**  
**Adv. for D-1, 1a & 1b with**  
**Ms. Ritika Sawhney, D1W1 and**  
**Mr. Rahul Sawhney, D1W2**

**CORAM:**

**SH. DEVENDER KUMAR (DHJS), JOINT REGISTRAR (JUDICIAL)**

**ORDER**

% **15.11.2019**

**CS (OS) 558/2017**

Defendants are present but DW Mr. Pradeep Chadhha is absent despite service. Learned counsel for defendants has submitted that witness no. 4 is to be examined in terms of order dated 17.10.2019. On the other hand, learned counsel for plaintiff has submitted that both marginal witnesses of Will have to be cross examined on same day otherwise it will prejudice the defence of plaintiff. Submissions opposed by learned counsel for defendants on the ground that this rule cannot be made applicable universally, as in the present case both the marginal witnesses are the Hon'ble Judges and it is quite possible that both may not get time together for cross examination on same day and witnesses may be examined as and when they are available.

Heard.

In view of order dated 05.09.2019, both marginal witnesses are to be examined first but their availability together is to be ascertained before fixing any date for their examination. However, the submissions of learned counsel for defendants have also substance that the rule that both the marginal witnesses should be cross examined together has no universal application and depends upon the circumstances and availability of witnesses.

PW Mr. Pradeep Chadha be summoned again on PF. Meanwhile, steps are to be taken to know the availability of another marginal witness of Will in terms of order dated 17.10.2019.

Put up for DE on 03.02.2020.

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

**NOVEMBER 15, 2019**