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

\+ TEST.CAS. 39/2017

MR. INDERJIT SINGH BHUSRI

..... Petitioner

Represented by: Mr. Aayush Paranjpe, Adv.

versus

STATE & ORS

..... Respondent

Represented by: Mr. Gaurav Puri, Mr. Hardeep Singh, Advs. for R-2.
Mr. Kshitij Dua, Adv. for R-3&4.
Mr. Ashish Kapur, Adv. for R-6

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

O R D E R

% 27.01.2020

I.A. 1119/2020 (u/O XXVI R 1&2 CPC by R-2)

1. Respondent No.2 is the wife of the deceased testator and now aged 92 years. Though she has tendered her evidence by way of affidavit and her cross-examination by the plaintiff has concluded, however no cross-examination by respondent No.6 has been conducted. The contesting respondent in this petition is respondent No.6, as respondent No.2 is supporting the stand of the petitioner, thus this Court while allowing application being I.A. 175/2020 on 8th January, 2020 expressed that it was incorrect to have not afforded an opportunity to respondent No.6 who was a contesting respondent to cross-examine the respondent No.2.

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2. After some argument learned counsel for the respondent No.2 states that he would be satisfied if the date of examination of respondent No.2 is preponed.

3. Considering the fact that the matter is listed before the learned Joint Registrar on 5th February, 2020, learned Joint Registrar is directed to conduct the cross-examination of respondent No.2 on the said date. Petitioner, respondent No.2 and respondent No.6 the main contesting respondent have noted the date and learned counsel for the respondent No.2 will ensure that respondent No.2 is present in Court on 5th February, 2020 before the learned Joint Registrar for her cross-examination.

4. Respondent Nos.3 and 4 having not moved an application to cross-examine this witness, no further order qua respondent No.3 and 4 is required to be passed.

5. Application is disposed of.

MUKTA GUPTA, J.

JANUARY 27, 2020
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