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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 130/2015**

JITENDRA KOHLI

..... Plaintiff

Through: Mr. Trideep Pais, Advocate

versus

TRANSPARENCY INTERNATIONAL INDIA & ORS

..... Defendant

Through: Mr. Alok Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

15.02.2016

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I.A. No. 25945/2015 (condonation of delay) & O.A. No. 493/2015

Counsel for the defendant has appeared and made his submissions. The chamber appeal as well as the application have been heard. The application being I.A. No. 25945/2015 has been preferred to seek condonation of 25 days' delay in filing the chamber appeal i.e. O.A. No. 493/2015. The delay has been occasioned as the junior counsel who appeared before the learned Joint Registrar did not instruct the clerk to apply for the certified copy. The delay has been occasioned on account of the default in the office of the counsel for which the plaintiff should not suffer. Accordingly, the delay in filing the appeal which, in any event is not excessive, is condoned.

The application being I.A. No. 25945/2015 stands disposed of.

The chamber appeal being O.A. No. 493/2015 is directed against the order dated 05.11.2015 passed by the learned Joint Registrar on the plaintiff's application i.e. I.A. No.6232/2015 under Order 11 Rules 12 and 14 CPC. By this application, the plaintiff had sought production of a C.D. containing video recording of the board meeting and general body meeting held on 20.12.2014, by the defendants.

It is the case of the plaintiff that in the board meeting which preceded the general body meeting, the report which is claimed to be defamatory was produced and it was decided to have a special meeting of the Board for consideration of that report on 17.01.2015. The case of the plaintiff is that in the general body meeting held subsequently, the defendants surreptitiously and maliciously inserted the damaging report and the same was circulated to the general body members thereby defaming the plaintiff. The necessary averments in this regard are found in paragraphs 46 and 47 of the plaint. In their written statement, the defendants do not deny the fact that video recording of the board meeting as well as the general body meeting was prepared. So far as the production of the damaging report in the general body meeting is concerned, the stand of the defendant is that the production of the said report in the general body meeting was unintended and no discussion on the same was permitted by the Chairman. The defendant has also stated that the general body was informed that the report was yet to be discussed in the board meeting.

Since there is a serious dispute as to how the said damaging report came to be circulated in the general body meeting and also the manner in which the said report was handled in the said meeting, the video recording made of the board meeting as well as the general body meeting are relevant

and cannot be dismissed as not being relevant or irrelevant for the purpose of determining the issues in the suit. Consequently, I am of the view that the impugned order passed by the learned Joint Registrar is laconic. The same is, accordingly, set aside and I.A. No. 6232/2015 is allowed. The defendant is directed to produce the said C.D. containing the video recording of the board meeting and the general body meeting held on 20.12.2014. Let the same be filed on record within four weeks with copy to counsel for the plaintiff.

CS(OS) No. 130/2015

In view of the notification No.2718/DHC/Orgl. dated 25.11.2015, issued under Section 4 of the Delhi High Court (Amendment) Act, 2015 (Act 23 of 2015), at the request of the counsels for the parties, the present suit is transferred to the Court of the District Judge (South East), Saket, for further proceedings before the competent court on 02.05.2016.

It is made clear that as both sides are duly represented today, no fresh notice for appearance shall be issued and the parties shall ensure their presence before the concerned Court on the aforesaid date.

VIPIN SANGHI, J

FEBRUARY 15, 2016
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