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

+ CM(M) 303/2016

P N GANESH PRASAD

..... Petitioner

Through

Mr.Praveen Kr. Singh and Mr. Rajeev
Gupta, Advocates.

versus

ARVIND KUMAR

..... Respondent

Through

Nemo.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **02.05.2016**

REVIEW PET No.217/2016 & C.M. No.16024/2016 (for stay)

Petitioner is seeking review of the order dated 30.3.2016. Submission is that there is an error apparent on the face of the order as the subsequent application filed on 04.3.2016 which was decided on 15.3.2016 was not premised on the same parameters on which the first application dated 18.9.2014 was decided by the Trial Court on 06.01.2016.

This submission as urged before this Court has been noted and dealt with and clearly answered by this Court in the order which has been now impugned. It reads as under:

“Present application came to be filed on 04.03.2016. The averments contained in this application have been perused. By way of this application, the petitioner is trying to take up a circuitous route and has prayed for the same relief which already stood declined to him vide order dated 06.01.2016 and which was followed by the dismissal of review his petition on a subsequent date. By way of

present application, the petitioner had prayed for calling an expert evidence to compare the sample voice of the plaintiff with the recorded voice sample in question with a further prayer that the petitioner be permitted to give his sample voice.

The primary defence of the petitioner/defendant as reflected in the written statement related to the CD; this CD was placed on record; as noted supra, this CD could not be taken into account as the certificate which was sought to be adduced along with the CD was prepared two years later; it had not been obtained at the time of the making of the CD. A detailed order passed on 06.01.2016 had already taken care of what is now sought for in the present application. Submission of the learned counsel for the petitioner that interest of justice demands that he should be given one more opportunity is a submission without force as ample opportunity was already available with the petitioner from the date of the filing of the written statement to lead expert evidence and in fact care should have been taken by the defendant to have obtained the voice sample of the plaintiff in case he desired to prove the CD conversation but he failed to do so. This stage is now over. Interest of justice has to be seen from the point of view of both the parties; it has not to be seen from the point of view of one party alone.”

No ground is made out for review. Review petition is dismissed with costs quantified at Rs.10,000/-.

INDERMEET KAUR, J

MAY 02, 2016/ndn