

**123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR no. 1101 of 2020(O&M)
Date of Decision: 27.02.2020**

Nidhi SareenAppellant

Vs.

Deepak Sareen and anotherRespondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.C.M.Munjal, Advocate,
for the petitioner.

Mr.Kanwaljit Singh, Sr. Advocate with
Ms.Jyoti Sareen, Advocate,
for the respondents.

AMOL RATTAN SINGH, J. (Oral)

Both parties are *ad idem* that the issue involved in the present petition is only whether the hard drive as was submitted to the trial court after removing it from the video recorder is required to be played or not, to which today even counsel for the respondents do not raise any serious objection as the said drive is already available with the trial court (upon that query having been put by this court).

That being so, I really do not see what the purpose of this petition is, with the impugned order already having stated that the “DVD” would be played on any other device like a computer, laptop, etc., the bone of contention only being as to whether the hard drive can be played directly onto a computer or a laptop, which learned counsel for the respondents submits that it cannot be.

I do not think that issue needs concern us in any manner because what the import of the direction of the trial court is that what is contained in the hard drive, be played in court.

For that purpose the court had already summoned the expert produced earlier by the respondent herein, i.e. Nitin Chauhan, as a court witness, with the expenses of the witness to be borne by the present petitioner (applicant before the trial court).

Consequently, this petition is disposed of with a direction that if the hard drive available with the court is not playable directly onto a computer or a laptop etc., then the expert (either that of the respondents or of the petitioner), would be permitted to play the contents of the hard drive by using whatever 'tools' they wish to.

The expenses to be paid by the present petitioner to such witness, will be decided by the trial court.

The trial court would also try and ensure that the said 'display of the recording' is completed on one day, with the witness to be examined alongwith, however, that discretion of whether it can be completed in a day or not is left to that court.

It is the contention of learned senior counsel for the respondents at this stage that the trial is on going since the year 2013 and (as contended) it is the petitioner who is trying to delay the trial.

The trial court would ensure that no further delay is caused by either side in conclusion of the trial, and any unnecessary adjournments sought by either side shall be specifically refused by that court.

Disposed of.

February 27, 2020

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO