

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

-.-

Civil Revision No. 1603 of 2020

Date of decision: 05.03.2020

Darbara Singh

.....Petitioner

Versus

Devinder Mohan alias Davinder Mohan

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. P K S Phoolka, Advocate
for the petitioner

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Rekha Mittal, J. (Oral)

Counsel for the petitioner would state that he does not press the petition qua summoning of witnesses mentioned in para 3 (vi) and (vii) namely Regional Manager, IDEA Telecom, Vodafone IDEA Limited and Regional Manager, Regional Office, BSNL.

Counsel would submit that while disposing of application (Annexure P4), the trial Court has not recorded any finding qua summoning of witnesses mentioned at serial No. (i) to (v) of para 3 and dismissed the application with the observations that '*ascertaining of the call records is not at all relevant and even if it is allowed to be proved, then such records will not be able to have any kind of relevancy with the issue in hand*'.

Perusal of impugned order (Annexure P1) particularly para 5 (operative para) substantiates contention of the petitioner that the Court has adverted to issue qua summoning of witnesses from Vodafone Idea Limited

and office of BSNL to have call records and same was declined. The Court has not addressed the issue of summoning official witnesses of the Court along with records. That being so, the present petition stands disposed of with a direction to the trial Court to pass a fresh order with regard to entitlement of the petitioner to summon the witnesses along with record, reference whereof has been made in sub paras (i) to (v) of para 3 of the application (annexure P4).

(Rekha Mittal)
Judge

05.03.2020
Mohan Bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No