

Kotak Mahindra General Insurance Company Ltd.

...Petitioner

Versus

Pritam Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Sanjeev Goyal, Advocate
for the petitioner.Mr. Inderpreet Singh Kooner, Advocate
for the caveator/respondent Nos.1 and 2.

GURBIR SINGH, J. (ORAL)

1. The present petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 14.09.2023 (Annexure P-1) passed by the Ld. MACT, Sangrur whereby evidence of the petitioner has been closed by order.

2. Notice of motion.

3. Mr. Inderpreet Singh Kooner, Advocate puts in appearance and accepts notice on behalf of the caveator/respondent Nos.1 and 2.

4. Learned counsel for the petitioner submits that now there is a circular dated 21.12.2021 issued by the Government of India that commercial records/Call Detail Record (CDR)/Exchange Detail Record (EDR) IP Detail Record (IPDR) are to be maintained for two years instead of one year (Annexure P-6).

5. Learned counsel for the caveator/respondent Nos.1 and 2 has opposed the request and submits that at the time of passing of impugned order counsel for the Insurance Company did not raise such plea.

6. Heard.

7. Keeping in view copy of the circular dated 21.12.2021 (Annexure P-6) issued by the Government of India and the fact that without knowing whether the call record was available or not, learned Tribunal could not close the evidence of the petitioner by order. So, the impugned order dated 14.09.2023 (Annexure P-1) is hereby set aside. Two effective opportunities shall be given to the petitioner to lead evidence and *dasti* summons be given to the petitioner to serve the witnesses at own responsibility.

8. Petition stands disposed of.

06.11.2023

Parveen kumar

(GURBIR SINGH)
JUDGE

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