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

+ **MAC.APP. 361/2024**

MANJU & ORS.

.....Appellants

Through: Ms. Aruna Mehta, Advocate.

versus

PRADEEP KUMAR & ORS.

.....Respondents

Through: Mr. Rishabh Gulati, Advocate for R-2
through VC.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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14.11.2024

CM APPL. 40251/2024

1. The present Application under Order XLI Rule 27 read with Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the Applicants-Appellants seeking permission to lead the additional evidence to prove the GPS System installed in the Bus Route No. 753 bearing Bus No. DL IPD 2549 by calling the records from the In-charge of DIMTS Office at 5th & 8th Floor, IT Park, Shastri Park, Delhi and also to prove the FIR No. 0491/2020 dated 02.10.2020 under Section 279 of the Indian Penal Code, 1860 on which the reliance has been placed by the driver of the vehicle to claim his innocence.
2. Learned counsel for the respondent No. 2 has argued that the entire investigations have not been conducted properly by the Investigating Officer who has already stepped into the witness box.
3. Considering the GPS Chart provided by the Investigating Officer, the same could not be considered for want of Section 65B Certificate of the



Indian Evidence Act, 1872 and also considering that the FIR No. 0491/2020 produced by the Claimants, has been sought to be proved to demolish the defence of the driver, the application is allowed and disposed of.

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4. The parties are directed to appear before the learned Joint Registrar on 09.12.2024 for getting the evidence recorded.
5. After recording the evidence, the Appeal be placed before this Court.
6. In the interim, the Registry is directed to requisition e-Trial Court Record.

NEENA BANSAL KRISHNA, J

NOVEMBER 14, 2024
S.Sharma