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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TEST.CAS. 38/2014**
HARKIRAT SINGH SODHI

..... Petitioner

Through: Mr.Lalit Gupta & Mr. Siddhart Arora,
Advts.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondent

Through: Mr.Manish Kumar Saryal, Adv. for
R2 to R4.

CORAM:

**MS. DEEPALI SHARMA (DHJS), JOINT REGISTRAR
(JUDICIAL)**

% **ORDER**
03.08.2017

**I.A.No. 8786/2017 under Order 16 Rule 6 r/w Section 151 CPC filed by
respondent no. 2 to 4 for summoning of witness**

On 27.07.2017, an application bearing I.A. No. 8036/2017 under Order 16 Rule 6 CPC filed on behalf of respondent no. 2 to 4 was allowed and the respondents no. 2 to 4 were permitted to summon the official witness before learned Local Commissioner.

It is relevant to note that on 25.05.2017, Hon'ble Court directed that the cross-examination of PW1 be conducted on 26.07.2017 before learned Local Commissioner and if not concluded on that day be taken on one more date to be given by learned Local Commissioner. Pursuant thereto, witnesses were summoned by respondent no.2 to 4 for 26.07.2017.

It is stated by counsel for respondent no. 2 to 4 that on 26.07.2017, the witness from the Office of Sub Registrar, Asaf Ali Road, who was summoned to produce the registered WILL dated 13.01.1987 stated that the record has been transferred to the department of Delhi Archives and accordingly he seeks summoning of the witness from the Delhi Archives to produce the registered WILL dated 13.01.1987.

On 26.07.2017, the second summoned witness from Registrar of Companies, NCT of Delhi was also present before learned Local Commissioner and stated that the summoned record is an old record, which has to be called from Record Room at Manesar, Gurugram, Haryana and that he will produce it on the next date of hearing. However, he produced the certified copy of the documents available with the office of Registrar of Companies, NCT of Delhi.

It is stated by counsel for the petitioner that respondent in his application has not mentioned the details of the record, which is sought to be summoned from the office of Registrar of Companies and is attempting to conduct a fishing and a roving inquiry without making any attempt to specify the document or the relevant record, which it seeks to summon. It is further averred that the applicant has not made any attempt to ascertain through inspection, of the Registrar of Companies record, as to which specific documents it seeks to summon.

It is stated by counsel for respondent no. 2 to 4 that he shall not move any further application for summoning of witness from Registrar of Companies, in the event the witness from Registrar of Companies is present with original record, to whatever extent.

In view of the fact that the applicant has not specified and given

details of the document or the record, which is sought to be summoned from the office of Registrar of Companies, therefore, the applicant is given one last opportunity to summon the witness from Registrar of Companies with the original record available with it. No further application for summoning of witness from Registrar of Companies shall be entertained on the ground that the witness has not produced the requisite record in absence of any clarity on this issue at the applicant's end itself. More over, in terms of the order of Hon'ble Court dated 25.05.2017, the applicant has to conclude its cross-examination only on one more date to be given by the learned Local Commissioner i.e. 28.08.2017. It is made clear that in such circumstances, no further application for summoning of witness shall be entertained. The application is allowed on above terms.

Let the official witnesses as mentioned in the application be summoned before the learned Local Commissioner for 28.08.2017 on filing of PF. Date, time and place be indicated on the process fee by the applicant. Diet money be paid on the spot, as prayed.

Dasti summons be given at request.

DEEPALI SHARMA (DHJS)
JOINT REGISTRAR (JUDICIAL)

AUGUST 03, 2017/nk