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IN THE HIGH COURT OF DELHI AT NEW DELHI

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TEST.CAS. 65/2007

GURDEEP SINGH

..... Petitioner

Through: Mr. Rishabh Jain & Ms.
Chandrika Gupta, Advs.

versus

STATE & ORS.

..... Respondent

Through: Mr. Subhash Chand, Adv.for R-2
with R-2 in person

CORAM:

JOINT REGISTRAR (JUDICIAL) SH. MANISH
SHARMA, (DHJS)

O R D E R

14.05.2024

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**IA no.5285/2024 (under Order XVI Rule 2 CPC moved
by the respondent no.2 for summoning of witness no.6)**

1. Learned counsel for respondent no.2 submits that the
captioned IA may be kept pending till the next date of
hearing.

**I.A.No.10979/2024 (under Order XVI Rule 10 & 12 r/w
Section 151 CPC filed on behalf of respondent no.2 for
issuing Show Cause Notice and for securing the
presence of witness for production of records)**

2. Learned counsel for plaintiff submits that he does not
wish to file reply to the captioned IA.

3. It is averred in the captioned IA that evidence of
respondent no.2 is being recorded before learned Local
Commissioner. It is further averred that vide order
dated 16/04/2024, an IA No.8515/2024 was allowed
and the witness i.e. Record Clerk from the office of M/s
Hindustan Cooperative House Building Society Ltd.,
M-129, Guru Harkishan Nagar, Paschim Vihar, New
Delhi was directed to appear before learned Local
Commissioner on 26/04/2024 along with summoned



record. However, the said witness deliberately and wilfully did not appear before learned Local Commissioner on the said date. It is averred that presently Mr. Gurmeet Singh is the President of M/s Hindustan Cooperative House Building Society Ltd., M-129, Guru Harkishan Nagar, Paschim Vihar, New Delhi.

4. It is prayed that a Show Cause Notice as well as issue of warrants/attachment orders against the witness/President of the said Society may be issued to the aforesaid witness with direction to bring the summoned record.
5. Heard. Record perused.
6. In view of the averments made in the captioned IA and also in view of the conduct of the witness, the captioned IA is allowed.
7. Issue Show Cause Notice to the Record Clerk from the office of M/s Hindustan Cooperative House Building Society Ltd., M-129, Guru Harkishan Nagar, Paschim Vihar, New Delhi and its President as to why the summoned record was not brought before the learned Local Commissioner, on filing of PF, returnable before learned Local Commissioner on 29/05/2024.
8. Let complete details of learned Local Commissioner be provided in the PF form.
9. IA stands disposed of.

**MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MAY 14, 2024/nk

[Click here to check corrigendum, if any](#)