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

+ **CS(OS) 438/2016**

SH. SURENDRA KUMAR GUPTA

..... Plaintiff

Through: Mr. Manoj, Mr. Pranjal Kishore and
Mr. Maduja Mushtaq, Advocates

versus

SH. ASHOK KUMAR GUPTA AND ORS

..... Defendants

Through: Counsel(Appearance not given)

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

03.04.2024

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I.A.7406/2024(under Section 151 CPC)

1. The present application has been filed on behalf of the Defendant No. 2 for seeking the complete transcript of the conversation contained in the pen drive with which the witness has been confronted in the cross examination.
2. It is submitted in the application that the plaintiff has relied on the recorded conversation in the pen drive, but has placed on record only part transcripts claiming them to be material. However, the transcript of the entire recording of the pen drive is required for proper adjudication.
3. A request is made that the complete transcript of the conversation as recorded in the pen drive, be provided. Also, the plaintiff be directed to file the affidavit regarding the genuineness of the voice of the person whose conversation has been confronted to Defendant No. 1, 2 and 4 during their



cross examination.

4. Submissions heard.

5. The cross examination of Defendant No. 1, 2 and 4 of the witnesses have been completed and the confrontation of the witnesses has also been concluded.

6. However, the case is at the stage of final adjudication. For the purpose of complete and fair adjudication, the complete transcript is necessary to understand and comprehend the context in which relied portions have been stated. Therefore the plaintiff is directed to file the complete transcript of the entire conversation recorded in the pen drive.

7. In so far as the genuineness of the voice is concerned, the stage has been crossed as the document has already been put in evidence. Therefore, the request of affidavit is not maintainable.

8. The application is accordingly disposed of with the directions to the plaintiff to file the complete transcript within 4 weeks and also to provide the copy to the defendants.

NEENA BANSAL KRISHNA, J

APRIL 3, 2024/PT