

**HIGH COURT OF JAMMU AND KASHMIR  
AT SRINAGAR**

CSA No. 32/2018

**Reserved on:-** 01.03.2021.

**Pronounced on:-** 31.03.2021.

Sikh Gurudwara

..... Appellant(s)

Through :- Mr. A. M. Dar, Sr. Advocate with  
Ms. Minsha Latief, Advocate.

V/s

Surinder Singh and ors.

.....Respondent(s)

Through :- Mr. Younis Bhat, Adv.

**Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

**ORDER**

1. Upon a careful perusal of the memo of appeal filed by the appellant, it has come to the fore that the appellant has, *inter-alia*, urged this Court to consider the following question of law:

(A) **“How Presiding Officers of the Courts below read and applied, appreciated the testimonies of the piece of evidences which were unreadable, un-legible and blurred, as the substantial portion of the evidence got damaged during flash floods on 07<sup>th</sup> September, 2014 and no steps taken to reconstruct the file and a big question mark for a conclusion drawn by the Courts below, would arise?”**

2. In order to determine whether the aforesaid question does actually arise for consideration in the instant case, it is necessary to have a look at the trial court's record so as to ascertain as to whether the trial court record has been damaged to the extent that the testimonies of the witnesses recorded by the trial court have become illegible and blurred. However, the trial court record is not on record of the file.

3. Accordingly, the Registry is directed to summon the trial court record forthwith so that the appeal is considered on its merits.

4. List again on 28.04.2021.

**(SANJAY DHAR)  
JUDGE**

**Srinagar**  
31.03.2021  
Ram Krishan

This order/judgment is being pronounced by me in terms of Rule 138(3) of the J&K High Court Rules, 1999.

**(VINOD CHATTERJI KOUL)  
JUDGE**

**SRINGAR**  
31.03.2021

