

HMA-1521-2025

HRGR01-015909-2025

Present:

Sh. Vipin Gupta and Sh. Lavish, Advocates for  
petitioner

Sh. Shyam Tomar, proxy counsel for Sh. Vinay Vats,  
Advocate for respondent No.1

Respondent no.2 exparte vod 2.12.2025..

Reply to application for direction to preserve the CDR  
of Phone No. [REDACTED] & [REDACTED] of the respondents  
not filed. Ld. Counsel for petitioner has stated at bar that if his application  
would not disposed of immediately, then his valuable right to lead  
evidence would be hampered as the CDR and other connected electronic  
records would automatically got deleted. The abovesaid electronic records  
is necessary for adjudication of the present matrimonial dispute.

On the other hand, main counsel for respondent is  
not available today, however, ld. proxy counsel for respondent has  
advanced the arguments. He vehemently opposed the submissions  
made by ld. Counsel for petitioner. He further contended that the  
applicant has moved the said application just to delay the  
proceedings, hence the same be dismissed.

Heard. Record perused.

At this stage, this Court is not required to  
adjudicate upon the truthfulness of the allegations of adultery. The  
limited question is whether the electronic evidence sought to be  
preserved may be deleted automatically due to efflux of time. It is  
well settled that Call Details Records are retained by telecom



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UID No.HR-0294  
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service providers only for a limited period. If preservation is not directed at this stage, the record may be destroyed in the ordinary course of business, thereby causing irreparable prejudice to the petitioner and depriving the Court of relevant evidence. The inherent powers of the Court under Section 151 CPC can be exercised to secure the ends of justice and to preserve the material evidence. The question regarding relevancy, admissibility and the extent to which such records may ultimately be summoned, shall be considered independently at the appropriate stage. Mere preservation of records does not amount to disclosure of the contents thereof. Appropriate safeguards can always be adopted while considering any future request for production of such records. Further, whether the allegations levelled by the applicant are ultimately proved or not is a matter of evidence and cannot be conclusively determined at this preliminary stage. In these circumstances, the application is allowed. The concerned Nodal Officer(s) of the all concerned service provider(s) are directed to preserve the call details records, tower locations, incoming, outgoing details and other electronic records relating to the mobile numbers [REDACTED] & [REDACTED] of the respondents, mentioned in the application since June 2024 upto till date, in accordance with law.

Nothing stated herein shall be construed as an expression on the merits of the case. Copy of this order be given

  
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dasti to the applicant. Now to come up on 22.09.2026 for filing  
reply to the application moved on behalf of respondent No.1 for  
preservation of CDR and for arguments thereon.



Sd/-

Poonam Kanwar  
(Poonam Kanwar, U.O. No.HR-0294)  
APJ, FC Gurugram, 27.07.2026

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