

Saish

MT No. [REDACTED] 17

P. [REDACTED] Kaur v. [REDACTED] Singh

[REDACTED].2018

Present : Petitioner in person with learned counsel.
Respondent in person with learned counsel.

Vide this order I will dispose of the application filed under Section 91 Cr.PC filed on 08.09.2017. Reply to the application was not filed despite opportunity given to the petitioner. I have heard arguments on this application. It is prayed that the call records pertaining to telephone Nos. 88[REDACTED]16, 99[REDACTED]68 and 99[REDACTED]41 for the period of 01.09.2015 to 06.09.2017 be ordered to be preserved by the concerned service provider. It is prayed that a connected matter has been filed by the respondent under HMA for seeking divorce on the ground of cruelty and adultery. It is stated that it is crucial to preserve the call records of the mobile numbers mentioned above since it contains conversation between the petitioner and the alleged adulterer. It is also stated that this application has been filed in a petition under Section 125 Cr.PC seeking maintenance. It is a crucial to preserve the call records to enable the respondent to prove his case at the time when he leads his evidence in defence.

Arguments were heard on this application since it is urgent to dispose of the application since the call record of the alleged conversations will be destroyed by the service provider. I have heard both the learned counsels, I am of the opinion that in case this application is not allowed prejudice will be caused to the respondent as the evidence that he wants to lead in his defence will be destroyed. Therefore, the application stands allowed in terms of para 14 and 15 of the application. The service provider i.e. Vodafone and Airtel be directed to preserve the call details records of relevant period mentioned above and send the same to this court in sealed envelope. It is also ordered



that the call details of the abovesaid telephone numbers of the above said period will not be provided to petitioner or to the respondent without orders of the court. The compliance report will be filed by both the service providers within one month. Copy of this order be given dasti to the respondent and it will be his responsibility to serve both the service providers along with all the correct details of the telephone numbers and the period between which the call records are being prayed to be preserved.

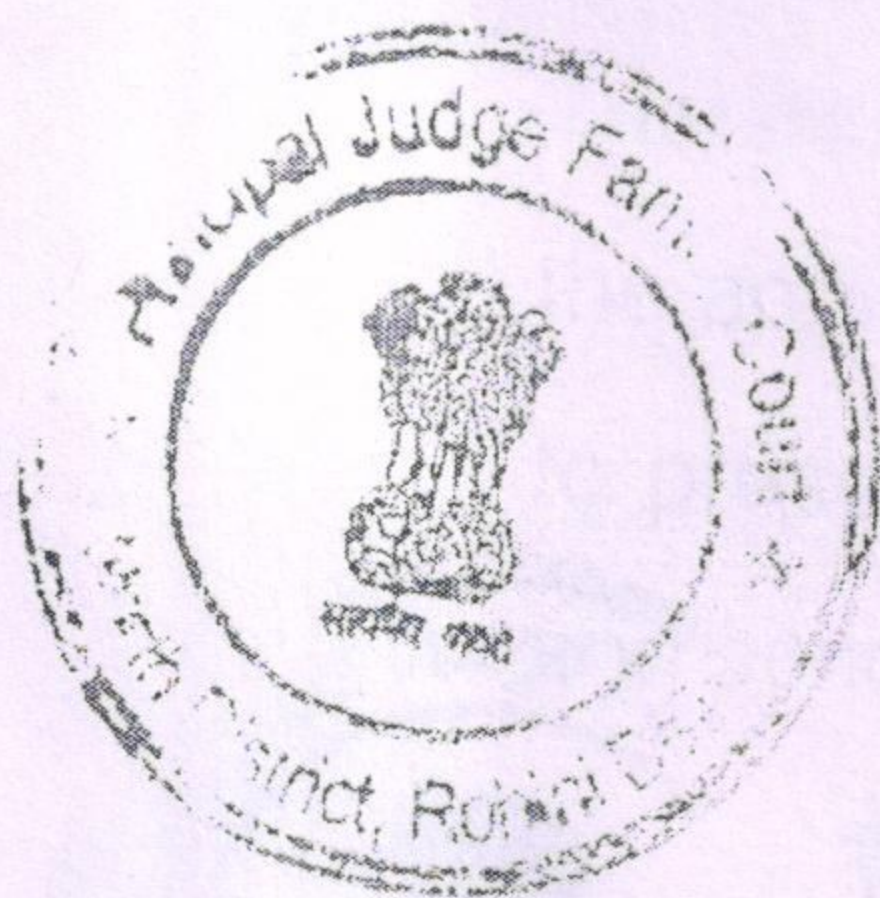
In the meanwhile replication has been filed.

On the basis of pleadings, following issues are settled :

1. Whether the petitioner is entitled to maintenance from the respondent? OPP.
2. If issue no.1 is decided in favour of petitioner, to what amount of maintenance she is entitled? OPP.
3. Relief.

List of witnesses alongwith all the affidavits in petitioner's evidence be filed on or before the next date of hearing and advance copy be supplied to the learned counsel for the respondent.

It is also stated by the petitioner that the main counsel who address interim maintenance is not available today. Therefore matter be listed on 25.05.2018 for arguments on interim maintenance application and for petitioner's evidence.



Sd/-
(Swarana Kanta Sharma)
Principal Judge, Family Courts
North District Delhi
FAM. 01.2018
Retired Judge