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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-1971-2022 (O&M)

Date of Decision : 10.09.2025

M/s Taj Mahal Bricks Udyog & Anr ... Petitioner(s)

Versus

Shyam Lal @ Shyamu ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Navmohit Singh, Advocate for the petitioners.

Mr. M.K. Garg, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the impugned order dated 09.02.2022 (Annexure P-3) whereby an application for taking voice sample of the defendant-petitioners has been allowed.

2. Learned counsel for the defendant-petitioners would contend that earlier an identical application was filed by the plaintiff-respondent which was dismissed vide order dated 07.04.2018 and the said order attained finality inasmuch as the same was never challenged by the plaintiff-respondent. However, yet another identical application was filed by the plaintiff-respondent which was allowed vide the impugned order dated 09.02.2022 (Annexure P-3). Learned counsel would further contend that once the identical application was dismissed and attained finality not having been challenged before this Court, the present application could not have been allowed.

3. Learned counsel for the plaintiff-respondent would contend that the application has been allowed after considering all the facts and no fault can be found with the same. It is further the contention of the learned counsel that the CD is already on the record.

4. I have heard the learned counsel for the parties.

5. In the present case an application was filed by the plaintiff-respondent for production of the CD which was dismissed vide order dated 07.04.2018. The said order attained finality as the plaintiff-respondent chose not to challenge the same. Having attained finality, a second application was filed on the same ground which has been allowed. Once the previous application on identical ground had been dismissed, there was no occasion for the Trial Court to have allowed the present application. The impugned order dated 09.02.2022 (Annexure P-3), hence, is not sustainable in law and is accordingly is set aside.

6. In view of the above, the present revision petition stands allowed. The application filed by the plaintiff-respondent stands dismissed.

7. Pending applications, if any, also stand disposed off.

10.09.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO