

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

Civil Revision No.2351 of 2015 (O&M)
Date of decision : 21.4.2015

J.K. Puri

....Petitioner

versus

Subhash Chopra and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Malkeet Singh, Advocate, for the petitioner.

Rajesh Bindal, J.

The grievance of the petitioner is that he has been cited as a witness in the Will dated 18.6.2003 set up by defendants No.1 to 3. As the petitioner is presently 83 years of age and is not keeping good health, he could not appear in court as a witness. Initially bailable warrants were issued to secure the presence of the petitioner, however, lateron, non-bailable warrants were issued. The application filed by the petitioner apprising the court about his health and requesting for appointment of commission for recording his evidence, has not been decided by the court and again non-bailable warrants were issued.

After hearing learned counsel for the petitioner, in my opinion, the present petition can be disposed of without issuing notice to the respondents considering the averments made in the petition.

A perusal of the orders produced on record shows that initially bailable warrants, thereafter, non-bailable warrants were issued to secure the presence of the petitioner, who is a witness to the Will dated 18.6.2003 set up by defendants No.1 to 3 in the suit. As he is 83 years of age and is not keeping good health, learned court below should have considered the application filed by him and pass appropriate order thereon. The possibility of examination of the petitioner while appointing a commission should also be considered, keeping in view his age and health condition.

The petition is disposed of with the aforesaid observation.

Till such time, the application is decided, execution of non-bailable warrants against the petitioner shall remain stayed.

(Rajesh Bindal)
Judge