

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.6985 of 2015(O&M)
Date of decision: 17.11.2015

Om Parkash

... Petitioner

Versus

Hans Raj

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Jitender Singh Dadwal, Advocate,
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Vide order being assailed dated 10.08.2015, rendered by the Rent Controller, Moga, application moved by the landlord-petitioner under Order 26 Rules 1 to 4 of the Code of Civil Procedure, for issuance of commission for examination of a witness, namely, Kashmiri Lal, has since been dismissed. The conclusion arrived at by the Rent Controller reads as thus:

“3. I have heard rival contentions and gone through the file. Applicant intends to examine a marginal witness to sale deed dated 28.06.1990 by way of appointment of commission on the ground that he is resident of Muzafar Nagar and is old aged suffering from diabetes. However, no medical record has been placed on the file to show that the

said witness is suffering from disease due to which he is unable to travel to Moga. Only because the witness has expressed his inability to be examined as a witness at Moga is not a ground to issue a commission for his examination as a witness. Accordingly, finding the present application devoid of merits, same stands dismissed.”

Ex facie, all what is stated by the petitioner in his application was/is that Kashmiri Lal was aged about 74-75 years and was suffering from diabetes. Nothing was brought on record, least any cogent or credible material, to show that he indeed was infirm or incapacitated and thus, it was not feasible for him to appear and depose in the matter.

That being so, no ground is made out to interfere with the order being assailed, dated 10.08.2015, in exercise of revisional jurisdiction, under Article 227 of the Constitution of India. Petition being devoid of merit is accordingly dismissed.

November 17, 2015
Rajan

(Arun Palli)
Judge