

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.5944 of 2016 (O&M)
Date of decision: September 26, 2016

Tarsem Singh ...Petitioner

Versus

Guransh Saini and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Rajan Gupta, J. (oral)

Present revision petition is directed against the order dated 26.8.2016, passed by the trial court, whereby application preferred by the defendant No.2/petitioner, who is residing in United Kingdom, to appoint a local commissioner to record his evidence or allow video-conferencing, has been rejected.

It has been urged by learned counsel for the petitioner before the court that impugned order is not in conformity with law. There is a provision for video-conferencing. Rejection of the application in this regard would prejudice the case of the petitioner.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears that a suit for declaration was instituted by the respondent/plaintiff Guransh Saini in the year 2007 that he was owner in possession of 1/3rd share of the coparcenary property and sale deeds dated 16.7.2007 and 13.7.2007 in favour of defendant No.2 were null and void.

Details of the suit property are given in the plaint.

Defendant No.2/petitioner filed written statement in the suit. He raised a preliminary objection about locus standi of the plaintiff and an issue was framed in this regard. Defendant, however, failed to lead any evidence. It appears, suit is now nearing culmination. At this stage, instant application has been moved to record evidence by appointing a local commissioner or allowing video conferencing. I am of the considered view that the application is without any merit and has been rightly rejected by the court below. It is inexplicable why defendant chose not to defend the proceedings or give evidence. A query was put to counsel for petitioner why defendant did not appoint a General Power of Attorney, he being a resident of U.K. No clear answer is forthcoming. There is no ground to interfere in revisional jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

September 26, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No