

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

CR No. 7087 of 2013 (O&M)

Date of decision: January 15, 2016

Harvel Singh Dhillon and another

...Petitioners

Versus

Balbir Singh Dhillon and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

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

Mr. M.S. Sachdev, Advocate,
for respondents No. 1 to 6.

K. KANNAN, J. (Oral)

1. The learned counsel for the petitioners reads to me the provision of Chapter 10, Part-D of Volume 1 of the Punjab and Haryana High Court Rules and Orders setting out letter of request for examination of witnesses through delivery of interrogatories. The delivery of interrogatories will be appropriate in situations where the discovery and inspection procedure, as set out in Order 11 of the Code of Civil Procedure, could be invoked.

2. This is a case where the request is for despatching a letter of request and for delivery of interrogatories with permission to parties to examine through agents witnesses who are said to have attested a Will propounded by the petitioners. I do not think delivery of interrogatories could satisfy this purpose and it will be essential that an examination is

done on commission at a venue which both the parties are willing to accept.

The counsel says that he will be prepared to bear the cost of commission initially that could be made subject to further direction at the time of disposal of the suit.

3. The parties are at liberty to furnish the details of the venue of commission, the person who could be appointed as Commissioner after eliciting information from the foreign country of any certified commissioner or a person could be nominated as such as per the local laws. In the alternative, the parties may agree on an advocate commissioner of local place of not less than 10 years experience, who could play the role of a Commissioner to record the evidence of the witnesses. Suitable date may also be discussed and given to the Court to enable to the Court to pass appropriate order. I do not think this exercise is required to be done by this Court as I have delineated the procedure to be followed.

4. The order already passed is modified and the revision is allowed and remitted to the trial court for issuing appropriate commission in the manner indicated above.

5. The revision is disposed of accordingly.

January 15, 2016
prem

(K. KANNAN)
JUDGE