

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

CR No.3395 of 2017

Date of decision: 11.05.2017

Praveen Mittal

..Petitioner

Versus

Pranav Shefali Trust and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. R.D. Bawa, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 15.04.2017 (Annexure P-6) passed by the Civil Judge (Junior Division), Jagadhri appointing Local Commissioner for examination/cross-examination of Dr. J.S. Mathur, the marginal witness of alleged Will dated 06.01.1981 at Delhi.

Learned counsel for the petitioner has challenged the impugned order only on the ground that the expenses for the lawyer i.e., ₹500/- for accompanying the Local Commissioner for examination of said witness is on lesser side and the petitioner has shown his reluctance at the time of visit to that place. Learned counsel also submits that by passing the impugned order, the cross-examination of the petitioner has been treated as nil and he will get no opportunity to cross-examine the said witness.

After hearing arguments of learned counsel for the petitioner, the impugned order cannot be set-aside only on this ground that the amount

to be paid to the counsel is very less. Although, the petitioner could have opted to cross-examine said witness but he has not availed that opportunity.

The revision petition is dismissed.

However, in case, the cross-examination is necessary, the petitioner is at liberty to move application before the trial Court.

11.05.2017
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	✓ Yes/No
Whether Reportable	✓ Yes/No