

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

RA-CR-166-CII of 2017 in
CR No.1563 of 2016
Date of decision : 26.09.2017

Smt. Amrita Singh @ Smt. Amrit Kaur and others

...Applicants/Petitioners

Versus

Brig. Jasbir Singh (Retd.) and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Satbir Singh Katnoria, Advocate
for the applicants/petitioners.

ANIL KSHETARPAL, J. (ORAL)

This review application has been filed by the petitioners against the order dated 23.08.2017 passed by this Court.

On 23.08.2017, the revision petition filed by the petitioners was allowed and the order passed by the Court closing the opportunity to the defendants to cross-examine the plaintiff was set aside.

Learned counsel for the petitioners has filed the present review application on the ground that the observations of the Court that the defendants are delaying the trial of the case are erroneous. He has further submitted that the directions cannot be issued to cross-examine the plaintiff at his residence.

I have considered the submission of the learned counsel. This Court in an earlier revision petition had directed that the plaintiff should be

examined in evidence through a Local Commissioner. At that time, the plaintiff was residing at Village Naini (Ranikhet). However, the Court had directed that let he be examined at Dehradun. However during the course of the arguments, it was submitted by the learned counsel for the plaintiff that the plaintiff is not able to move, therefore, if the defendants want to cross-examine, it can be only at his residence. In these circumstances, the Court had ordered that the defendants would be granted one opportunity to cross-examine the plaintiff at his place of residence.

Learned counsel for the review petitioner has further submitted that the order is very harsh because the Court has allowed the opportunity to cross-examine the plaintiff subject to the payment of costs of ₹1,00,000/-.

I have examined the argument. Since, the plaintiff is required to be examined at his place i.e. at Village Naini (Ranikhet) District Almora, Uttarakhand, therefore, a Local Commissioner is further required to be sent as counsel for the defendants on an earlier occasion had refused to cross-examine him. It was in these circumstances, the costs of ₹1,00,000/- was imposed for defraying the expenses of the Local Commissioner, his transportation and balance payment to the plaintiff.

In view of what has been stated above, I do not find any good ground to review the order dated 23.08.2017 passed by this Court.

Review application is dismissed.

26.09.2017
Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No