

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

Sr. No.131

CRM-M-50106-2018
Date of decision : 15.11.2018

Baldev Singh

..... Petitioner

VERSUS

Mohinder Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.K. Singla, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner has filed a complaint under Section 138 of the Negotiable Instruments Act, 1881. Allegedly, he is old and infirm and is unable to appear for getting his statement recorded and thus, he filed an application for appointment of a local commissioner to record his statement. This application has been dismissed vide impugned order dated 3.2.2018 on the ground that medical record was not attached.

Learned counsel for the petitioner submits that the medical record has been annexed as Annexure P5, which shows that the petitioner is suffering from a severe disc problem and is unable to walk. On being asked, why this medical record was not shown to the trial Court, counsel for the petitioner submits that the same could not be shown on account of mistake.

In this view of the matter, the petition is disposed of by setting aside impugned order dated 3.2.2018 passed by the JMIC, Malerkotla, in complaint case No.70 of 189.2015, with liberty to the petitioner to file afresh

application before the trial Court alongwith relevant medical record. The trial Court is directed to pass fresh order in accordance with law, keeping in view the medical evidence produced before it.

(SUDHIR MITTAL)
JUDGE

15.11.2018
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No