

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

**RACR-77-CII-2018 (O&M) in
CR-1074-2018**

Date of decision:- 21.9.2018.

Neelam Phaugat

.....Applicant

Versus

Dalbir Singh and another

.....Respondents

CORAM: - HON'BLE MR. JUSTICE KULDIP SINGH.

Present: - Mr. Suhail Sehgal, Advocate
for applicant/respondent No. 1.

Mr. Sunny Nambdev, Advocate
for Mr. Saurabh Dalal, Advocate
for non-applicant/petitioner.

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KULDIP SINGH J. (ORAL)

Present review application filed under Order 47 Rule 1 and
Section 151 of the Code of Civil Procedure for recalling of the order passed
by this Court on 16.2.2018 in CR-1074-2018.

Heard.

It is stated that the order was passed without issuing notice to
the respondents.

Learned counsel for applicant-respondent No. 1 has stated that
officials of the Embassy were being summoned and which choose not to
appear. He has also referred to Article 31 of the Vienna Convention on
Diplomatic Relations where a diplomatic agent is not obliged to give
evidence as a witness. It is stated that High Court Rules and Orders provides
for service/summoning of the witnesses from abroad.

I have gone through the said document. Here, it is not the case that a some body who is residing in a foreign country is being summoned. An official of the Canadian Embassy are being summoned. Admittedly, they cannot be compelled to put in appearance and they can always refuse. However, if the refusal is not received, the Government of India, Department of Legal affairs has mentioned the procedure given as Annexure B mentioned in the order dated 16.2.2018. The Trial Court was directed to follow the procedure as laid down in the said instructions to summon the said officials of the Embassy.

It is irrelevant that whether they decide to appear or not to appear. Therefore, after hearing learned counsel for applicant-respondent No. 1, it is found that the order was rightly passed. There is no ground to vary the same.

Learned counsel for applicant-respondent No. 1 has stated that the order was passed on 16.2.2018 and now about seven months have passed but the petitioners are unable to summon the said witnesses for one or the other reason.

In the circumstances, direction is given to the trial Court to give only one opportunity to the petitioners herein to produce the said witnesses and no further time shall be granted for the said purpose.

Disposed of with above direction.

21.9.2018
preeti

(KULDIP SINGH)
JUDGE

whether speaking/reasoned
whether reportable

yes
no