

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

CR No.1738 of 2020

Date of decision: 26th July, 2022

Anita Dadwal

... Petitioner

Versus

Narinder Kumar & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

The petitioner is impugning order dated 13.02.2020 (Annexure P3) vide which application filed by her for appointment of Local Commissioner was dismissed by the Court below and evidence of the petitioner closed by order.

Learned counsel, inter alia contends that the impugned order suffers from patent illegality being contrary to the provisions of Order 26 of the Code of Civil Procedure and the Court below failed to appreciate that the evidence of a witness namely Sunil Sharma was necessary for proper and effective adjudication of the case. He submits that the petitioner was even ready to bear the cost/expenses of the Local Commissioner and to further assist the Local Commissioner to trace out the said witness at Haridwar.

I have heard learned counsel for the petitioner and perused the relevant material on record.

A perusal of the impugned order reveals that an application for appointment of Local Commissioner for examining one Sunil Sharma as a witness was moved at the stage of rebuttal evidence. Admittedly, the petitioner/plaintiff had closed her evidence in the affirmative on 19.08.2016. Therefore, at such a belated stage the petitioner cannot be permitted to lead evidence on an issue qua which the onus to prove was upon her. Still further, it is not even disputed by the learned counsel that the petitioner is unaware about the exact whereabouts of said Sunil Sharma whom she wants to examine as a witness. In the circumstances, this Court fails to understand as to how the appointment of a Local Commissioner would serve any useful purpose. Accordingly, there being no merit in the instant revision petition, the same stands dismissed in limine.

(MANJARI NEHRU KAUL)
JUDGE

July 26, 2022

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No