

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2743-2022

DATE OF DECISION: SEPTEMBER 13, 2022

JAGMOHAN SINGH

...PETITIONER

VERSUS

AJIT SINGH AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. GULZAR MOHAMMED, ADVOCATE FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

The petitioner has filed this petition under Article 227 Constitution of India for setting aside the impugned order dated 13.5.2022 (Annexure P-7), passed by the Civil Judge(Jr.Divn.), Ludhiana, whereby the application filed by the defendant-petitioner for rejecting the evidence of Gurpreet Kaur PW2 conducted through mobile was dismissed.

Learned counsel for the petitioner has argued that this Court has issued guidelines for conducting the Court proceedings through Video Conferencing which includes recording of evidence of witnesses also, but the same were not followed while recording deposition of Gurpreet Kaur PW2 in Civil Suit titled Ajit Singh vs. Jagmohan Singh @ Pappu and another. Learned counsel has submitted that the application filed by the petitioner for striking off the deposition of Gurpreet Kaur PW2 from the record of the case has been wrongly dismissed by the Civil Judge(Jr.Divn.), Ludhiana, vide impugned order dated 13.5.2022. He prays that the impugned order be set aside and his application be accepted.

During the course of hearing, it is not disputed by the learned

counsel that examination-in-chief of PW2 was recorded on two occasions, i.e. on 13.12.2018 and 5.7.2019 and later on, the witness was cross-examined at length.

After hearing the learned counsel, this Court finds that concededly, at no stage, any objection relating to the violation of guidelines in recording the deposition of the witness was ever raised by petitioner or his counsel. Further the order granting permission to record the evidence of Gurpreet Kaur PW2 through video conferencing was never challenged, and the application was filed on 30.1.2020. A perusal of the application does not reveal that any prejudice has been suffered by the defendant-petitioner.

Thus, the impugned order does not suffer from any illegality or impropriety. Resultantly, no case is made out for interference by this Court.

Petition is dismissed.

September 13, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes