

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

CR-5305-2019 (O&M)

Date of decision: 11.03.2022

Gurdial Singh (since deceased) through his L.Rs

....Petitioners

Versus

Gurpreet Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurcharan Dass, Advocate for the petitioners

ANIL KSHETARPAL, J (Oral)

The petitioner-Gurdial Singh is a defendant in a pending suit for grant of decree of possession by way of specific performance of the agreement to sell dated 01.09.2008. The petitioner's application for recording evidence of Mool Chand Yadav, Advocate, Notary Public, Jabalpur as well as the stamp vendor through the court commissioner has been dismissed. The suit was filed in the year 2013. Learned counsel representing the petitioner contends that in view of the provisions of Order 16 Rule 19 CPC as the distance between two places is more than 500 kms, they can be examined by issuing a commission.

As per proviso to Order 16 Rule 19 CPC where transport by air is available then the court may require the witness to attend in person. Jabalpur has a working airport.

In view thereof, no ground to interfere is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also

disposed of.

11.03.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE