

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

**CR-3460-2021 (O&M)
Date of decision : 08.03.2022**

Meenakshi ... Petitioner(s)

Versus

Raj Kumari ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Deepak Arora, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

Heard in physical mode.

CM-2504-CII-2022

This is an application for preponing the date of hearing in the main case from 23.03.2022 to an early date.

For the reasons stated in the application, the same is allowed. With the consent of learned counsel for the applicant-petitioner, the main case is taken on board today itself.

CR-3460-2021

The present revision petition under Article 227 of the Constitution of India has been filed challenging the impugned order dated 25.11.2021 (Annexure P-6) passed by the Civil Judge, Senior Division, Gurdaspur whereby the application filed by the respondent seeking

appointment of a Local Commissioner to record her cross-examination, has been allowed.

Learned counsel for the petitioner would contend that the present dispute is between sisters and in case the petitioner was to visit the house of the respondent at the time of recording of the cross-examination, there was likely to be a confrontation. It is further the contention of learned counsel for the petitioner that the respondent-sister's husband is an Advocate and, hence, there is every apprehension that he may influence the Local Commissioner.

Heard.

An application was moved by the respondent under Order 26 Rule 1 of the Code of Civil Procedure, 1908 for recording of her cross-examination. It is stated in the application that she is suffering from Recto-Sigmoid Colon and Lungs Cancer and, therefore, is unable to appear in the Court for her cross-examination. The Court on the basis of the documents produced directed that Ms. Meena Mahajan, Advocate be appointed as Local Commissioner and was directed to record the evidence and submit her report in Court. Aggrieved by the said order, the present petition has been filed. Apprehension of learned counsel for the petitioner that the Local Commissioner may be influenced merely because the husband of the respondent is an Advocate is wholly misconceived and ill-founded. There is no reason for this Court to doubt the integrity of the Local Commissioner who has been appointed by the Court. There is not an iota of evidence which has been produced which would even remotely indicate that there is any possibility of the Local Commissioner being influenced by the husband

of the respondent. Further, keeping in view the health condition of the respondent who is suffering from Recto-Sigmoid Colon and Lungs Cancer, I do not find any illegality and infirmity in the impugned order. The present revision petition is, hence, dismissed.

Dismissed.

**(ALKA SARIN)
JUDGE**

08.03.2022
Yogesh Sharma

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO