

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

CR-8185-2019 (O&M)

Date of decision: 22.12.2022

Ranjit Singh

....Petitioner

Versus

Dalbir Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S.Athwal, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The petitioner's application for recording the cross-examination of Sh.Khushinderjit Singh, by appointing a Local Commissioner, has been dismissed by the trial court. The court has held that no evidence proving that Sh.Khushinderjit Singh has been advised bed rest has been produced.

This revision petition has been filed challenging the correctness of the aforesaid order. It is evident that Sh.Khushinderjit Singh tendered his affidavit in lieu of his examination in chief. The case was adjourned. Thereafter, an application was filed for permission to complete his deposition through Local Commissioner as he had met with an accident. In civil cases, now, in view of the amendment in Code of Civil Procedure, 1908, ordinarily, the evidence is recorded by a Local Commissioner, appointed by the court. Sh.Khushinderjit Singh is a resident of Village Borha, Tehsil and District Ludhiana. The suit is also pending in the District Courts, Ludhiana. In these circumstances, the

court ought to have granted permission to the petitioner to complete the examination of Sh.Khushinderjit Singh by nominating a Local Commissioner.

Hence, the revision petition is allowed. The order dated 19.07.2019 is set aside. The court is directed to nominate a Local Commissioner for recording the cross-examination of Sh.Khushinderjit Singh.

The revision petition stands allowed.

All the pending miscellaneous applications, if any, are also disposed of.

22.12.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE