

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

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2024.PHHC:091775



CR-269-2023 (O&M)
Date of decision: 22.07.2024

HARPREET SINGH AND ANR

..Petitioners

Versus

**SUKHMAHINDER MOHINI ALIAS SUKHMINDER
MOHNI AND OTHERS**

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dilpreet Singh Gandhi, Advocate
for the petitioners.

ANIL KSHETARPAL, J(Oral)

1. The trial Court has refused to appoint a local commissioner for recording the statement of Smt. Harjit Kaur, who is plaintiff No.2. She is stated to be 80 year old and suffering from cancer. The trial Court has refused to grant permission on the ground that her medical record is not sufficient to fulfill the terms of appointment of local commissioner and the medical record is not issued by any Government Hospital.
2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.
3. In the considered opinion of the Court, the view taken by the trial Court is myopic. In civil suits, the examination-in-chief is tendered by way of an affidavit, whereas, for the purpose of cross-examination, normally a local commissioner is appointed. In this case, the petitioner is not only suffering from cancer but also at her advanced age being more than 80 year old.
4. In these circumstances, the Courts should have permitted her examination through local commissioner.

5. Hence, the revision petition is allowed. The impugned order is set aside. The trial Court is requested to appoint a local commissioner, who would record the testimony of Smt. Harjit Kaur.

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

July 22nd, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*