

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CR No.1050 of 2015

Date of Decision:-16.02.2015

Som Raj & Ors.

.....Petitioners.

Versus

Ashok Kumar & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vishal Munjal, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

The Plaintiffs are in revision aggrieved by the order dated 12.01.2015 (P-6) passed by the learned Civil Judge(Sr. Divn.), Pathankot whereby their application for appointment of local commissioner after their evidence had been closed, has been dismissed.

Having heard learned Counsel for the petitioners, it is apparent that the suit for permanent injunction filed by the plaintiff pertains to a street in dispute which is stated to be a only passage for ingress and egress to the house of the plaintiffs. The defendants have taken the plea that there is no such passage existing at the spot as there is another approach from the eastern side of their respective houses. It is not the case of the plaintiffs that prior to their having closed their evidence long back, sufficient opportunities was not granted to them. It is further apparent that whatever evidence regarding the existence of the passage was to be led by the

plaintiffs in their evidence in affirmative. Hence the learned trial Court has rightly dismissed the application by stating that it was not for the courts for creation and collection of the evidence by appointment of local commissioner at that stage. Thus viewed, this Court finds no perversity or juridical error in the impugned order.

In view of the above, finding no merit in the present revision petition, the same is hereby dismissed.

**(JASWANT SINGH)
JUDGE**

February 16, 2015
Vinay