

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No. 1387 of 2015 (O&M)

Date of decision : 10.3.2015

Sanjay Kumar

... Petitioner

VS

Hikmat Singh and another

.. Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Manvender Singh Dalal, Advocate for the petitioner.

Rajesh Bindal, J.

Challenge in the present petitions is to order dated 15.12.2014, passed by learned Civil Judge (Junior Division), Kaithal, whereby application filed by the petitioner for appointment of Local Commissioner, was rejected.

Learned counsel for the petitioner submitted that appointment of Local Commissioner was required for just and proper decision of the issue in dispute as he would have reported the status at the site, which the other party was disputing. After considering the contention raised by both the parties, learned trial Court rejected the application by observing that no Local Commissioner can be appointed to collect evidence. He further submitted that appointment of Local Commissioner would be material for the purpose of decision of the controversy as he would have given a detailed report of the factual position at the site, which would have made clear that as to whether the stand taken by the petitioner or the respondents was correct.

After hearing learned counsel for the petitioner, I do not find any merit in the contention raised. A Division Bench of this Court in **Pritam Singh and another vs Sunder Lal and others** 1990 (2) Punjab Law Reporter 191 has categorically held that order refusing to appoint a Local Commissioner does not decide any issue nor adjudicate rights of the parties for the purpose of the suit and no revision against that was held to be

maintainable. Learned counsel for the petitioner has not been able to cite any judgment taking a view contrary to what has been taken by the Division Bench of this Court. A Single Bench of this court in **Hari Om vs Manish Kumar**, 2005(2) HRR 246 also dismissed revision petition filed by the petitioner therein challenging the order refusing to appoint Local Commissioner. The same view was followed in **Sumer Chand Jain vs Vishnu Bhagwan Mangla** 2006 (2) R. C. R. (Civil) 445, **Bant Singh alias Balwant Singh and another vs Raghubir Singh and others** 2008 (4) RCR (Civil) 260; **Rajiv Kumar Batra vs Kashmiri Lal Sika**, 2010 (6) R. C. R. (Civil) 37; and **The Bassi Arkh Scheduled Caste Coop.Land Owing Society Limited vs Atma Singh son of Bachan Singh and others** 2011 (4) PLR 164.

Accordingly, I do not find any merit in the present petition and the same is dismissed.

10.3.2015

vs.

(**Rajesh Bindal**)
Judge