

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

CR No.1689 of 2015

Date of decision : 05.11.2015

Jugal Kishore Arora

...Petitioner

Versus

Arun Vig and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

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

Mr. Satwant Singh Ranghi, Advocate for respondent No.1.

AMIT RAWAL, J. (Oral)

Challenge in the present petition is to the order dated 16.02.2015, whereby application for the appointment of Local Commissioner for visiting the spot to measure two plots as reflected in two sale deeds measuring 66x41.3 feet and 66x38 feet, has been declined.

It is a matter of record that suits for permanent injunction filed by respondent and for declaration filed by petitioner in respect of plot No.155-B and plot No.154-B (½), have been consolidated. The trial Court rejected the application on the ground that petitioner-plaintiff cannot be

permitted to collect the evidence during the pendency of the suit.

Mr. S.S. Rangi, learned counsel appearing on behalf of contesting respondent submits, that petitioner-plaintiff has other means to prove the aforementioned fact and not in the manner and mode reflected in the application.

I have learned counsel for parties and appraised the paper book.

The claim of the plaintiff is with regard to the declaration and injunction in respect of aforementioned plots, in my view it would be expedient and in the interest of justice much less for the benefit of the parties to the lis to get the property demarcated failing which it would result to an unambiguous dispute with regard to the measurement of the property. Accordingly, the application filed by the petitioner for appointment of Local Commissioner is allowed. Local Commissioner shall visit the plot after giving notice to the parties before affecting the measurement of the plot.

Impugned order is set aside.

Revision petition is allowed.

05.11.2015

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**(AMIT RAWAL)
JUDGE**