

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

Civil Revision No.1881 of 2015

Date of decision: 17.03.2015

Naveen Kumar son of Shri Azad Singh, resident of Sanjay Nagar,
Kaimri Road, Hisar, District Hisar.

... Petitioner

versus

Sandeep Kumar son of Shri Dalbir Singh son of Shri Kanshi Ram,
resident of Village Bakhtawarpur, Tehsil Siwani, District Bhiwani.

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vivek Khatri, Advocate,
for the petitioner.

K.Kannan, J. (*Oral*)

1. In an application for passing a final decree, a Commissioner was appointed to file a report. Yet another application was filed for appointment of a village official to demarcate the plots for which the defendant did not have objection and he appears to have made an endorsement in that regard. A fresh report was also filed for which objection had been filed by both the parties. The court had rejected the second report and has taken the first report on board and passed the impugned order which is the subject of revision. If the first report has been accepted by the court, the next procedure shall be that the court draws up a decree which is merely a ministerial act and it is that decree which is amenable for

regular appeal. There cannot be a revision against an order allowing for the first report to prevail for passing of a decree. The revision is not an appropriate remedy at all in the manner chosen by the petitioner. The counsel refers me to the decision of this court

Chander Parkash Malhotra Versus V.P.Malhotra-1991(1) PLR

606 where the court was considering the reference to a report of a Local Commissioner and if a party was raising an objection, the court cannot reject the objection summarily. This judgment was not in the context of passing a final decree and, therefore, it gives no guidance to us. If there is an issue relating to a decree to be passed in terms of a report and that decree is appealable, the revision is not a remedy which a person can choose to canvass for.

2. The revision petition is dismissed.

(K.KANNAN)
JUDGE

17.03.2015
sanjeev