

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.1911 of 2015

Date of Decision.18.03.2015

Dilbagh Singh and others

.....Petitioners

Versus

Balwan Singh and others

.....Respondents

Present: Ms. B. Jeet Sheoran, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. At the time of trial after the examining of draftsman as DW1 and plan which was marked through him as Ex.D1, the Court had appointed a commissioner on an application filed by the defendant. The petitioners/plaintiffs' grievance is that the commissioner cannot be appointed to gather evidence and the Court cannot abdicate of its own power to the commissioner. While the proposition of law is well taken, I will leave it best on the discretion of the Judge that decides to appoint a commissioner, if he is of the view that collection of local evidence would be appropriate. If the report is filed before Court which is beyond the power as entrusted to the commissioner by warrant of commission or there is objectionable information or inference which is drawn in the commissioner's report, the petitioner will be at liberty to file objections and then carry through the objections at the time of trial. The trial Court will examine the objections of the plaintiffs in the

manner of disposal of the case at the time of passing the judgment. If the judgment is still not correct as supported by the reasonings on the basis of report of the commissioner, it will be taken as ground of appeal as provided under Order 41 Rule 1A CPC.

2. There is no scope for intervention in revision petition. The revision petition is disposed of with the above observations.

(K.KANNAN)
JUDGE

March 18, 2015
Pankaj*