

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

CR No.2147 of 2015 (O&M)

Date of decision: 30.7.2015

Municipal Council, Hansi

..... Petitioner

Versus

Sumesh Garg

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL**

Present: Mr. Namit Gautam, Advocate, for the petitioner.

Mr. Sudhir Mittal, Advocate, for the respondent.

**RAJESH BINDAL, J**

Challenge in the present petition is to the order dated 4.3.2015, whereby the objection raised by the petitioner/defendant for exhibiting the report of the Local Commissioner on record, was dismissed and the same was taken on record.

In the case in hand, vide order dated 17.8.2012, the learned court below suo moto appointed a Local Commissioner without there being any application filed by the parties. The Local Commissioner submitted his report dated 27.8.2012. The plaintiff tendered the same report in his evidence, which was taken on record as exhibit.

Learned counsel for the petitioner submitted that the evidence of the petitioner/defendant is yet to start, hence, he may be permitted to withdraw the present petition with liberty to avail of remedy in view of the Order 26 Rule 10 (2) CPC.

Learned counsel for the respondent does not have any objection to the prayer of the petitioner being granted.

Dismissed as withdrawn with liberty as prayed for.

**(RAJESH BINDAL)  
JUDGE**

30.7.2015

*sharmila*