

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

CR-2288 of 2015

Date of Decision: December 11, 2015

Rajesh Kumar

....Petitioner/plaintiff

vs.

Vijay Kumar & another

.... Respondent/defendant

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Rakesh Bakshi, Advocate
for the petitioner.

Mr. Arvinder Arora, Advocate
for the respondents.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Learned counsel for the petitioner-respondent states that the notice was issued only regarding mediation. Respondent is not ready for mediation and prays that let the matter may be decided on merits.

Arguments heard.

An application of the plaintiff for appointment of local commissioner was dismissed. The plaintiff wanted the appointment of local commissioner to see “whether the disputed wall AB has been

recently constructed or stood there from the time of forefather of the defendants?" The lower Court declined to appoint the Local Commissioner.

I am of the view that there is no illegality or infirmity in the impugned order. In order to examine whether the construction is recent or from time of forefathers, some building expert is required to be examined. The plaintiff could easily arrange to examine such an expert in the evidence who could visit the spot and make the report along with the detailed reasoning. It being so present revision stands disposed of with liberty to petitioner to examine some building expert to prove the age/duration of wall AB.

December 11, 2015
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(KULDIP SINGH)
JUDGE