

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

CR No.2594 of 2015 (O&M)

Date of Decision: November 16, 2015

Satvinder Singh and others

.... Petitioners

vs.

Baldev Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. S.S. Gill, Advocate for the appellants.

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)

Impugned in the present revision petition is the order dated 18.03.2015 (Annexure P-3) passed by learned Addl. Civil Judge (Sr. Divn.), Payal, District Ludhiana, vide which the court refused to appoint the Local Commissioner.

Suffice to say that the present petitioners are the sons of Judgment Debtor against whom the decree for specific performance has been passed. In the objections, it was claimed that in the suit land, there is a house, consisting of three rooms, drawing room, lobby, two stores, latrine, bathroom, open space, stairs, chaubara and open space shown in the site plan. The objectors are in possession of the said house on the basis of Will dated 09.06.2002 executed by Nikka Singh. To elucidate the matter, the lower court

was requested to appoint the Local Commissioner to prove whether the house is situated in property in question or not? If yes, then what are the measurement, boundaries and number of rooms and any other construction thereof.

I have heard learned counsel for the petitioners and have also carefully gone through the case file.

In this case, the decree for specific performance was passed against the father of the present petitioners-objectors. That would mean that any construction on the suit property will also go along with the land. If the petitioners-objectors want to prove any construction, they could easily get the site plan prepared from the draftsman and examine the said draftsman to prove the construction, who could also prove the measurement and its location.

Since, the other revision against the main order dismissing the objections is also pending, therefore, this Court refrains from commenting on the merits of the execution petition.

No ground is made out to interfere in the impugned order.

Hence, the present revision petition stands dismissed.

November 16, 2015
sarita

(KULDIP SINGH)
JUDGE