

CR No. 295 of 2015
Date of decision :November 26, 2015

Geeta Rani

..... Petitioner

Versus

Sain Dass and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. S. S. Sarwara, Advocate
for the petitioner.

Mr. Rakesh Gupta, Advocate
for respondent Nos. 2 to 5.

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?

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order dated 20.11.2014 whereby the Local Commissioner at the instance of the objector-third party has been appointed to demarcate the property, in a suit for mandatory injunction directing the defendants to hand over the vacant possession of the land measuring 566 sq.yards.

The grievance of the petitioner is that such an exercise should not have been done at this stage as the objectors have not filed any document to prima facie prove their right in the property for which the decree was passed.

Mr. Rakesh Gupta, learned counsel appearing on

behalf of respondent Nos. 2 to 5 submits that all the sale deeds have been placed on record to show ownership and therefore, in order to get the matter adjudicated, it is essential and necessary to get the property demarcated through the Local Commissioner who is none else but Tehsildar/Revenue official.

I have heard learned counsel for the respondents and appraised the paper book.

In my view, the order of appointment of the Local Commissioner for demarcation of the land measuring 566 sq.yards would be necessary as it has been already noticed that the possession has been delivered to the decree holder and nothing remained in the present execution application and the petitioners are legal representatives of the decree holder.

The grievance, that under the garb of the decree land belonging to the objector is being sought to be within ambit, whereas, the petitioners were never party to the aforementioned judgment and decree. It is in these circumstances the appointment of Local Commissioner would be necessary for demarcation of the property.

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits. Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

November 26 , 2015
archana