

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

Civil Revision No.311 of 2013 (O&M)

Date of decision: 04.08.2015

Sushma Rani

.... Petitioner

versus

Ravinder Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sumit Gupta, Advocate,
for the petitioner.

Mr. Deepak Manchanda, Advocate,
for respondents 3 to 5.

K.Kannan, J. (Oral)

1. In a suit for partition where the defendants were setting up a plea that the claim is made with reference to a property, the identity of which is not admitted, the plaintiff has moved an application for appointment of a Commissioner for demarcation. This was done prior to the framing of the issues and before the commencement of the trial. The petition has been dismissed. I do not think any serious prejudice could be caused where the location and the identity of the properties ought to be brought centerstage in view of the defence taken by the defendant. The order already passed is set aside. There shall be appointment of a Local Commissioner to carry out the task of identification in the manner

sought for by the plaintiff. The court below shall appoint a suitable officer, either a lawyer or any revenue official who is competent to execute the work. The cost of the commission will be borne by the plaintiff.

2. Revision petition is allowed with the above directions.

(K.KANNAN)
JUDGE

04.08.2015
sanjeev