

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

Civil Revision No. 3247 of 2015 (O&M)

Date of decision : 14.5.2015

Smt. Radha Rani

... Petitioner

VS

Devender Kumar and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Adarsh Jain, Advocate, for the petitioner.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 20.4.2015 passed by the learned Court below whereby the application filed by the petitioner seeking permission to cross-examine the local commissioner, was dismissed.

Challenge has been made on the ground that proper procedure was not followed by the local commissioner while inspecting the spot. The application was dismissed by the learned court below with the following observations:-

“6. Harking back, the applicant wants to cross-examine the Local Commission i.e. Tehsildar on the ground that in the Local Commission report site plan of the alleged *pukhta* points was not made and the report itself is vague and incomplete. Further, the applicant was not given notice by the Local Commission at the time of visiting the spot. In the opinion of this court the grounds on which applicant wants to cross-examine the Local Commission, can be raised at the time of final arguments and all these grounds can be taken into consideration in ascertaining the admissibility of the Local Commission report in evidence. Certainly, if the grounds mentioned above are found correct then Local Commission report cannot be

taken into consideration against the applicant. Hence, there is no need to cross-examine the Local Commission as his report will have to pass the test of admissibility in evidence. The authorities relied upon by the learned counsel for the applicant also shows that if grounds of challenge, as mentioned in the present application are found correct then report of Local Commission cannot be accepted in evidence. Hence, this also shows that no prejudice will be caused to the applicant if the present application is dismissed as the applicant has the opportunity to raise all these grounds at the time of final arguments. Accordingly, application stands dismissed with no order as to costs.”

In the light of the aforesaid observations made by the learned Court below, I do not find any reason to interfere with the impugned order as the Local Commissioner was appointed on the application of the petitioner herself.

The petition is, accordingly, dismissed.

14.5.2015
vs

(Rajesh Bindal)
Judge