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

**CR No.3316 of 2015 (O&M)**  
**Date of decision: May 15, 2015**

Ram Kaur

.....Petitioner

Versus

Surider Kaur and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

**Present:** Mr. N.K. Lambra, Advocate  
for the petitioner.

**SABINA, J**

Petitioner has filed this petition challenging the order dated 18.04.2015, whereby application moved by the petitioner for appointment of local commissioner, was dismissed.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Petitioner has filed suit for possession. Petitioner earlier moved an application for appointment of local commissioner and the same was dismissed by the trial Court. Petitioner challenged the said order by filing Civil Revision No.1139 of 2012. The said petition was disposed of by this Court vide order dated 01.05.2013 and the same reads as under:

*“The petitioner has sought to set aside the order dated 3.10.2011 passed by the trial court.*

*Learned counsel for the petitioner states that he wants to withdraw this petition with liberty to file a fresh application for demarcation at the appropriate stage.*

*As such, this petition is dismissed as withdrawn with liberty to file fresh application at the appropriate stage (at the time of his evidence) and the court would be at liberty to appoint Local Commissioner to find out as to*

*if any encroachment has taken place. At that time, the court would not be influenced by the impugned order.”*

Thus, as per the above order, petitioner could file fresh application at the time of leading her evidence. However, petitioner moved the application at the stage when the case was listed for rebuttal evidence, if any of the petitioner and arguments. The learned trial Court rightly dismissed the application moved by the petitioner for appointment of local commissioner as the same had not been filed in terms of the order passed by this Court.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)  
JUDGE**

**May 15, 2015**  
*m.singh*