

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

**CR No.4451 of 2013
DATE OF DECISION:21.12.2015**

Girdaur Singh & another

...Petitioners

Vs.

Nachattar Singh & others

...Respondents

CORAM:- HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. S. S. Brar, Advocate
for the petitioners.

KULDIP SINGH, J.(ORAL)

Impugned in the present revision is the order dated 01.06.2013 passed by Additional Civil Judge(Sr. Division), Dabwali(Sirsa) vide which an application filed by the present petitioner for appointment of Local Commissioner for determining the factual position was declined.

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

In the application it was stated that there was a passage. It was also claimed that there is existence of water course. Some other averments have also been made and for the verification of said facts, the appointment of local commission was requested.

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The lower Court has dealt with all the facts and has taken a view that appointment of local commission is not necessary in the given circumstances.

I agree with the view taken by learned Additional Civil Judge(Sr. Division),Dabwali (Sirsa). No local commissioner can be appointed to collect the evidence in favour of one or the other party.The facts sought to be got verified from the local Commissioner can otherwise be proved by leading evidence. As such there is no need to appoint local commissioner.

Accordingly, the revision stands dismissed.

December 21, 2015
rimpal

(KULDIP SINGH)
JUDGE