

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

**Civil Revision No.5114 of 2015
Date of decision: 13.08.2015**

Darshan Lal and others

.....Petitioners

Versus

Rishi Pal and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Satinder Kumar Rana, Advocate,
for the petitioners.

Ritu Bahri, J.

Challenge in this petition is to the order dated 28.05.2015 passed by the Civil Judge (Junior Division), Karnal, whereby application filed by the plaintiffs-respondent Nos.1 to 5 for appointment of Local Commissioner has been allowed.

The case of the plaintiffs-respondent Nos. 1 to 5 was that plot Nos.27, 28, 29, 30 and 31 were allotted to them on 25.08.2009 by the Gram Panchayat, Kambohpora and Block Development and Sub Divisional Officer, Karnal. Possession of those plots was delivered to them.

On the other hand, the defendants-petitioners have stated that an Ambedkar Bhawan is in existence on the disputed land, which was being managed by Baba Sahib Dr. Bhim Rao Janshakti Ambedkar Sabha, Kambopura. However, they were not able to tell the date of registration of the aforesaid society. They were also not clear about ownership of the suit land.

Keeping in view the above facts, the Tehsildar concerned was appointed as Local Commissioner with a direction to demarcate the suit land and give the factual position of plot Nos.27 to 32, which were carved out by the Gram Panchayat, Kambohpora, Block Development Officer and SDO on 25.08.2009 in Khasra No.605. The Tehsildar was to take the assistance of any revenue officer.

Learned counsel for the petitioners has argued that there was no occasion to appoint a Local Commissioner and the application for demarcation had been made after closing of the evidence on 05.01.2015. Their application for leading additional evidence has also been dismissed by the trial Court vide order dated 28.05.2015. The plaintiffs-respondents wanted to produce additional evidence in the form of report of Assistant Collector, IInd Grade, whereby plot Nos. 27 to 31 comprising Khasra No.605/27 have been demarcated. Learned counsel for the petitioner has further argued that the application for leading additional evidence has been rightly dismissed by the trial Court, as the trial was fixed for evidence of the defendants and the application was filed to fill up the lacuna. On the same ground, application for appointment of Local Commissioner should have been dismissed.

After going through the impugned order, it is apparent that the trial Court has taken into consideration that the defendants-petitioners had not been able to show as to how the land in their possession, belongs to the Ambedkar Sabha/Society and when this society was registered. Moreover, clear ownership of the land had not been given by the defendants. Hence, the Tehsildar concerned had been directed to get the land demarcated in order to find out the factual position of the plots in dispute in Khasra

No.605. As per the provisions of Order 26 Rule 9 CPC, Local Commissioner can be appointed at any stage of the trial.

In view of the above, no ground is made out to interfere in the impugned order.

Dismissed.

13.08.2015
ajp

(RITU BAHRI)
JUDGE