

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

**CR No. 4904 of 2014 (O&M)
Date of decision: 18.12.2015**

Hardial Singh

... Petitioner

versus

Dev Singh and others

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.K.S. Brar, Advocate for the petitioner.

Mr. Rajender Kumar, Advocate for
Mr. P.S. Dhaliwal, Advocate for respondent No.1.

Mr. A.K. Sharma, Advocate for respondent Nos. 2 to 4.

K.Kannan, J.

It is stated that the 1st defendant is now no more.

The revision petition is against the order of the trial Court allowing for a fresh Commission to be issued to resolve the controversies. Far from resolving the controversy it accentuated it. That is indeed the objection by the petitioner in the revision. The Court, according to him, does not have jurisdiction to issue a fresh commission when there are already two demarcation reports. I uphold the objection and set aside the order. The trial Court will examine the reports already filed and notify the counsel to make submissions with reference to demarcation reports. If the Court is convinced that the reports are defective or reports are ambiguous in not detailing any particular matter regarding demarcation that is necessary for proper adjudication, it will either set aside the report and issue a fresh commission or call for specific report only on issues which the Court finds to be ambiguous or defective in the execution of the warrant.

With the observations, the revision petition is allowed but subject to above observations.

(K.KANNAN)
JUDGE

12.08.2015
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