

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5321 of 2015 (O/M)
Date of decision : 20.8.2015

Mohinder Singh

..... Revisionist

Versus

Prem Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.K. Arya, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in present revision is the order dated 29.7.2015 (Annexure-P-5), passed by the learned Civil Judge (Junior Division), Gurdaspur, vide which the Local Commissioner has been appointed to report on or before 31.8.2015 whether there is any dera and cattle shed in the possession of the defendant in the suit property.

Learned counsel has contended that it is a dispute regarding possession and the Local Commissioner could not be appointed. Reliance has been placed on the authorities of this Court in Vinod Kumar Veresus Gram Panchayat of Village Kheri Naru and

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others, 2008 (1) RCR (Civil) 697; Raj Singh and others Versus Mukhtiar Singh, 2015 (2) Laws Herald 1095 and Mohanjit Singh Versus Gagandeep Singh Grewal and others, 2015 (2) Law Herald 1824.

After considering the contentions of the learned counsel for the revisionist, I am of the view that the plaintiff/revisionist claims possession over the disputed property measuring 6 kanals 5 marlas comprised in khewat No. 41/41, Khatauni No. 68, Rect. No. 7, Killa Nos. 11/2(4-0), 12/2/1(2-5), situated in the revenue estate of village Mochpur, Tehsil and District Gurdaspur. The lower Court has appointed the Local Commissioner to ascertain whether there is any dera and cattle shed built on the land in dispute. This is the discretionary power of the lower Court and if the lower Court finds that the appointment of such Local Commissioner is necessary, this Court, while exercising the revisional powers, cannot interfere in the same.

The revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

20.8.2015
sjks