

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

**Civil Revision No.5588 of 2015
Date of Decision: September 04, 2015**

Gurinder Singh and another Petitioners

vs.

Kuldip Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Dinesh Mahajan, Advocate for the petitioners.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 06.04.2015 passed by the Sub Divisional Judicial Magistrate, Khaddor Sahib vide which the application to recall DW1 to face cross examination, was allowed.

After going through the impugned order, I am of the view that DW1 had tendered his affidavit in chief but no cross-examination was done. Therefore, there is no error for recalling DW1 for his cross-examination.

Second impugned is the order dated 20.07.2015 vide which the application of the petitioners under Order XXVI, Rule 10 read with Section 151 CPC for appointment of the Local Commissioner was dismissed.

By way of appointment of the Local Commissioner, the petitioners wants to prove the existence of the tubewell.

A perusal of the plaint shows that the tubewell is situated in a particular khasra number. Therefore, there is no need to appoint the Local Commissioner. The copy of the chajra aks could prove the existence of khasra number with its dimension and the record of the Electricity Department could prove that the tubewell is installed in which khasra number. Therefore, the application of the petitioners for appointment of the Local Commissioner was rightly dismissed.

Consequently, the present revision petition challenging the aforesaid two orders stands dismissed.

September 04, 2015
sarita

(KULDIP SINGH)
JUDGE