

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

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**CR-6350-2015 (O&M)
Date of Decision:29.10.2015**

RAKHA SINGH NOW DECEASED

... Petitioner

Versus

DARSHAN SINGH & ORS

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ravi Chadda, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer is for appointment of Local Commissioner at appellate stage.

[2]. Suit for permanent injunction restraining the defendants from dispossessing the plaintiff-petitioner from the house in question and from demolishing the walls has been dismissed by the trial Court. Earlier application for similar relief was dismissed on 18.10.2014, against which no remedy was availed by the petitioner. In the plaint, plaintiff has not disclosed any khasra number of the property, only sides are mentioned.

[3]. Learned counsel states that so far as possession of two rooms are concerned that has been acknowledged by the defendant(s) before the trial Court.

[4]. At this stage, this Court is not in a position to appreciate the arguments of learned counsel for the petitioner particularly when appeal against judgment and decree dated 16.08.2008 is pending before the lower Appellate Court. Court is

not supposed to collect evidence for any of the party. Possession has to be proved by the parties by means of leading evidence. Process of the Court cannot be utilized to create evidence and to fill lacuna in case of either side.

[5]. In the absence of any revenue record/*Aks shajra* and necessary particulars of the suit property, this Court does not feel like to interfere in revisional jurisdiction of this Court to allow appointment of Local Commissioner at appellate Stage. Consequently, this revision petition is dismissed.

[6]. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

October 29, 2015
prince

(RAJ MOHAN SINGH)
JUDGE