

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

**CR No.7054 of 2015.**

**Date of Decision: 20.10.2015.**

Amrit Lal and another

....Petitioners.

**VERSUS**

Shakuntla Devi and others

....Respondents.

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**CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.**

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**Present:** Mr. Naveen Batra, Advocate for the petitioners.

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**SNEH PRASHAR, J.**

This petition under Article 227 of Constitution of India was filed by the petitioners-plaintiffs for setting aside the order dated 14.09.2015 passed by learned Civil Judge (Junior Division), Anandpur Sahib allowing the application of the respondents-defendants for appointment of Local Commission.

The relevant facts are that a suit for permanent injunction seeking to restrain the respondents/defendants from raising any kind of construction and from interfering in their possession over the plot situated within the Lal Lakir of village Daroli (Upper), Tehsil Nangal, District Ropar and marked as ABCD in the site plan attached with the plaint, was

filed by the petitioners claiming to be co-owners in possession of said plot. The respondents appeared and contested the suit and denied the title/possession of the petitioners qua the suit property. They alleged that the suit property was part and parcel of Khasra No.1036/2/1 owned and possessed by Shankuntla Devi (respondent No.1).

During the course of trial, the respondents filed an application for appointment of Local Commission for measuring the suit property and for reporting about the existing position at the spot and also for reporting whether the suit property marked by letters ABCD is within the Lal Lakir of the village or is part and parcel of Khasra No.1027 and 1036/2/1.

Learned trial Court allowed the application and appointed Field Kanugo, Anandpur Sahib as Local Commission and directed him to demarcate the suit property. Aggrieved by the said order dated 14.09.2015, the petitioners have filed the instant petition.

The submissions of learned counsel representing the petitioners have been heard.

Learned counsel for the petitioners argued that the application for appointment of Local Commission was filed by the respondents after both the parties had led evidence in support of their rival contentions and the case had reached its fag end. He also submitted that the order would amount to collecting of fresh evidence on behalf of the respondents.

Admittedly, the controversy between the parties is whether the suit property, marked by letters ABCD in the site plan filed by the petitioners, of which they claim to be owners in possession, is within the

Lal Lakir of the village or whether the site in dispute is part and parcel of Khasra No.1036/2/1 and 1027. When the two properties are situated adjacent to each other and one is said to be identified by Khasra numbers, the best and judicious way for proper adjudication of the dispute will be to get the property, identified by Khasra numbers, demarcated by a revenue official. As such, learned trial Court has rightly appointed the Field Kanugo, Anandpur Sahib as Local Commission for demarcation of the suit property. It may be at the fag end of the case but since it has been observed by learned trial Court that the demarcation of the suit property will be helpful in arriving at just and proper decision of the case, it has rightly been allowed.

Thus, finding no adversity or perversity in the order of learned trial Court which would call for intervention, the petition is dismissed.

**(SNEH PRASHAR)**  
**JUDGE**

**20.10.2015.**  
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