

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 7011 of 2013
Date of Decision : March 12th, 2015

Lal Singh Petitioner

Versus

Mukesh Dilawari Respondent

CORAM : HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON

Present Mr. Rajiv Joshi, Advocate,
for the petitioners.

Mr. A.K.Sharma, Advocate
for the respondent.

Dr. BHARAT BHUSHAN PARSOON, J.

Vide impugned order dated 25.10.2013, appointment of Local Commissioner sought by the defendant-petitioner herein, for demarcation of the suit property, has been declined.

2. It is worth notice that the suit has been preferred by the respondent-plaintiff for possession regarding the suit property clearly mentioning that the same was located in abadi. Defendant-petitioner herein though, has now taken up a stand that it was part of khasra No.249/104 [49 Kanals 15 Marlas], but in the earlier litigation, it had clearly been admitted that the suit property was situated in the abadi area of old G.T. Road near Syndicate Bank, Phillaur.

3. The previous litigation had been started by the defendant-petitioner herein and in plaint [Ex. P7] of the said suit against the present plaintiff-respondent herein, boundaries of property in dispute tally and are consequently, not in dispute. Even statement of petitioner-defendant Lal Singh made in the earlier litigation regarding identity of the suit property has been proved in this case as well.

4. The impugned order is not only very well written, but also takes into account all the attending facts and circumstances in dismissing the application of the petitioner-defendant.

5 It is clear that since the suit is for seeking possession and is continuing since 19.05.2008, manifest intention of the petitioner-defendant is to delay and dilate the proceedings to perpetuate his possession. Even the time of filing of this application, is worth consideration. When the evidence of the defendant was to be concluded, he moved the application for appointment of a Local Commissioner. Delaying tactics are being adopted by the defendant.

6 No merit. Dismissed. Passing of final order, which had been stayed by this Court, vide order dated 18.11.2013, is vacated.

7 Since decision of the suit has already been delayed considerably, the same would be decided within a period of three months from the date of receipt of a copy of this order.

(Dr. BHARAT BHUSHAN PARSOON)
JUDGE

March 12th, 2015
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1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?