

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

**CR No.7677 of 2015
Date of decision: 20.11.2015**

Dharampal and another

....Petitioners

Versus

Gurjaj Singh and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE RITU BAHRI

Present: Mr. Vinod Khunger, Advocate
for the petitioners.

RITU BAHRI J. (Oral)

The petitioners-defendants have come up in revision for setting-aside the order dated 30.10.2015, passed by the Civil Judge (Jr. Division), Ferozepur, whereby the application moved by the petitioner/defendant for appointment of Local Commissioner has been dismissed.

The plaintiffs-respondents had filed the suit for permanent injunction against the petitioners-defendants restraining them from interfering in the peaceful possession of the land measuring 15 kanals 8 marlas. The petitioners-defendants appeared in the suit and filed their written statement admitting the ownership of the plaintiffs-respondents and they had denied their possession over the suit land. It was alleged that the plaintiffs-respondents along with their father leased out the land measuring

22 kanals in the year 1994 to Narinder Mohan Aggarwal for running brick-kiln in the name and style of M/s Narinder Mohan BKO and a registered Lease Deed was executed between the plaintiffs-respondents along with their father in favour of Narinder Mohan Aggarwal for 20 years. Thereafter, Narinder Mohan Aggarwal transferred the possession of the said brick-kiln to Ashok Kumar son of Kundan Lal, who further transferred the same to Lal Chand son of Tulsi Ram, Dayal Singh son of Khushal Singh and Rajesh Kumar son of Ruldu Ram on 10.06.2013. Later on, the said Lal Chand and others transferred the possession of the brick-kiln to the petitioners-defendants along with their father and brothers finally, with the consent of plaintiffs-respondents.

After filing the written statement, the petitioners-defendants made an application dated 01.09.2015, for appointment of Local Commissioner, to visit the spot and to report about the existence of 2000 trolleys of soil and 50000 kacha bricks on the land in question (Annexure P-1).

This application has been dismissed by the trial Court vide impugned order dated 30.10.2015 by observing that the Local Commissioner cannot be appointed to collect evidence.

The application dated 30.10.2015, has rightly been dismissed by the trial Court and does not call for any interference.

Dismissed.

20.11.2015

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**(RITU BAHRI)
JUDGE**