

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

**CR No.8077 of 2015
Date of decision: 01.12.2015**

Naresh Chand Puri

....Petitioner

Versus

Dayal Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mrs. Gurnam Kaur Turka, Advocate
for the petitioner.

RITU BAHRI J. (Oral)

The petitioner-plaintiff has come up in revision for setting-aside the order dated 12.08.2015, passed by the Civil Judge (Jr. Division), Rajpura, whereby the application moved by the petitioner/plaintiff for appointment of Local Commissioner has been dismissed.

The petitioner-plaintiff had filed the suit for permanent and mandatory injunction against the respondents/defendants restraining them from interfering in the peaceful possession of the land shown as I.G.M. in the site plan and removed the encroachments made at points J.C.K.L.F.D and at point A.B.C.J. shown in the site plan.

From the perusal of the paperbook, it reveals out that

the application under Order 39 Rule 1 and 2 CPC has not yet been decided and if the application for appointment of Local Commissioner is allowed, then it will give opportunity to the plaintiff to collect evidence.

This application has rightly been dismissed by the trial Court vide impugned order dated 12.08.2015, by observing that the Local Commissioner cannot be appointed to collect evidence.

No ground for interference is made out.

Dismissed.

01.12.2015

yakub

(RITU BAHRI)
JUDGE