

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

Date of decision:07.01.2015

Anupma Kapoor

.....Petitioner

v.

Amarjit Walia

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.AK Ahluwalia, Advocate for the petitioner

Jaswant Singh,J.(Oral)

Defendant is in revision aggrieved by the order dated 30.10.2014 (P-5) passed by learned Civil Judge (Junior Division) Chandigarh whereby her application for appointment of a Local Commissioner to determine the possession of the suit property/residential house, has been dismissed.

It is apparent that the dispute is between plaintiff and defendant over the residential house bearing No.805, Sector 16-D, Chandigarh earlier owned by Smt.Shanti Devi Ahluwalia. Plaintiff claims a declaration that he is owner in possession on the basis of a registered Will dated 19.5.2006 executed by his aunt *Chachi*- Smt.Shanti Devi whereas defendant/petitioner claims ownership on the basis of a registered Will dated 3.12.2013 executed by her *Massi* in her favour. The suit is at the stage of grant of temporary injunction, when the present application was filed by the defendant-petitioner for

appointment of a Local Commissioner.

After hearing learned counsel for the petitioner, this Court is in agreement with the reasoning adopted by the learned trial Court to the effect that it is not for the Courts to collect evidence on behalf of the parties moreso the question of possession which cannot be determined by appointment of a Local Commissioner.

In view of the above, present revision petition stands dismissed with costs of Rs.10,000/- (Rupees Ten Thousand Only) to be deposited with District Legal Service Authority, Chandigarh within one month from today. Learned trial Court shall ensure that the aforesaid costs are paid in time.

07.01.2015
joshi

(Jaswant Singh)
Judge