

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

Civil Revision No.8406 of 2015

Date of decision: 10.12.2015

Asha Jindal

.....Petitioner

Versus

Satbir Goyal

.....Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Satish Goel, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 05.11.2015 (Annexure P-1) passed by the Civil Judge (Junior Division), Dhuri, whereby application filed by the plaintiff-petitioner for appointment of Local Commissioner has been dismissed.

Plaintiff-petitioner has filed a suit for permanent injunction restraining the defendant from encroaching upon any part of the road as shown in black colour in the site plan, attached with the plaint. On 05.11.2015, two witnesses of the plaintiff namely Jiwan Kumar and Diwan Chand were examined. Thereafter, learned counsel for the plaintiff-petitioner tendered on record certified copy of replication filed in Civil Suit No.88 of 12.07.2009 titled as 'Satbir Goyal Vs. Sabodh Kumar', as Ex.P4, photographs as Mark X1 to X8 and closed her evidence of the plaintiff. Appointment of Local Commissioner was being sought to find out the existence of drains through the road/property in dispute and disposal of dirty

above said drains was in the knowledge of the plaintiff-petitioner prior to filing of the suit and it was her responsibility to collect adequate evidence in support of her case. A Local Commissioner cannot be appointed to collect evidence on behalf of the plaintiff-petitioner.

In view of the above, this Court is of the view that present application has been rightly dismissed by the Trial Court as sufficient opportunities have already been granted to the plaintiff to lead her documentary evidence. No ground is made out to interfere in the impugned order.

Dismissed.

10.12.2015
ajp

(RITU BAHRI)
JUDGE