

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

Date of decision:30.01.2015

Suba Singh and another

.....Petitioners

v.

Kewal Krishan and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.GL Bajaj,Advocate for the petitioners.

Jaswant Singh,J.(Oral)

Defendants 4 and 5 are in revision aggrieved by the order dated 23.7.2014 (P-8) passed by Civil Judge (Senior Division) Bathinda whereby the Local Commissioner appointed in the light of earlier order dated 18.4.2014 has submitted a report that he has failed to locate the property.

Learned counsel for the petitioners has argued that Local Commissioner had made a request to the Court for deputing the official from Municipal Corporation for locating the suit plot no.2415 so as to carry out measurement in the light of order dated 18.4.2014(P-5). The learned trial Court instead of heeding to such a request has proceeded to direct the leading of evidence by the plaintiff by assuming that the Local Commissioner has failed to locate the suit property. Hence the prayer is for directing the trial Court to direct the officials of the Municipal Corporation,Bathinda to associate and assist the Local

Commissioner for carrying out the order dated 18.4.2014.

Having heard learned counsel for the petitioners this Court is not inclined to interfere at this stage.

It is apparent that vide impugned order the case before the trial court was fixed for plaintiff's evidence on 12.8.2014. Further concededly the impugned order is dated 23.7.2014 and the present revision was filed after 5 months of the said order. It cannot be disputed that even a revision under Section 115 CPC is required to be filed within 90 days, therefore, it cannot be accepted that a revision under Article 227 of the Constitution can be filed at the leisure and pleasure of a litigant. Still further, no prejudice is caused to the petitioners as they would be free to lead their evidence.

Dismissed.

30.01.2015
joshi

(Jaswant Singh)
Judge