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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-1073-2016

Date of Decision : March 17th, 2016

Sukhwinder Singh and another

.... Petitioners

Versus

Ranjit Singh and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? Yes

Present Mr. Gurmeet Singh Saini, Advocate,
for the petitioners.

SHEKHER DHAWAN, J.

Present revision petition under Article 227 of the Constitution of India for setting aside order dated 20.11.2015 [Annexure P/3] whereby Civil Judge [Junior Division], Jalalabad [West] dismissed the application for appointment of Local Commissioner under Order XXVI Rule 9 of Code of Civil Procedure, 1908.

Learned counsel for the petitioners submitted that appointment of Local Commissioner is essential for the just decision of the case and the Court below has not considered this fact.

As per view taken by Hon`ble Division Bench of this Court in **Pritam Singh and anr. Vs. Sunder Lal and Ors, (1992) ILR 1 Punjab,** revision against such an order, whereby the Court below while exercising judicial discretion declined the appointment of Local Commissioner, is not

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maintainable. In the case in hand also, this Court is of the view that the Court below has rightly exercised the discretion while taking into consideration the entire facts of the case.

In view of the above, there are no grounds for setting aside the impugned order by invoking the jurisdiction of the Court and the present revision petition stands dismissed being devoid of any merit.

(SHEKHER DHAWAN)
JUDGE

March 17th, 2016
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