

CR-1236-2016

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IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CR-1236-2016

Date of decision : 18.02.2016

Shish Ram and another

... Petitioners

Versus

Balbir

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.J.P. Sharma, Advocate
for the petitioners.

REKHA MITTAL. J.(ORAL)

By invoking Article 227 of the Constitution of India, the present petition lays challenge to order dated 08.12.2015 (Annexure P1) passed by the Civil Judge (Senior Division), Rewari, dismissing application of the petitioner for appointment of local Commissioner.

Counsel for the petitioners contends that the petitioners prayed for appointment of a local Commissioner to visit the spot and verify the existing position regarding the land in dispute. It is further submitted that no prejudice would be caused to the respondent in case a local Commissioner is appointed by the Court when otherwise it would facilitate just decision of the case.

I have heard counsel for the petitioners, perused the records

and find no merit in the petition.

The petitioners cannot be allowed to use process of the Court to collect evidence by means of a local commissioner. The application filed by the petitioners, in the circumstances of the present case, appears to be an attempt to collect evidence through machinery of the Court, not permissible in law. That being so, I do not find any error much less illegality in the impugned order as would call for intervention.

Dismissed.

(REKHA MITTAL)
JUDGE

February 18, 2016.
Davinder Kumar