

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

C.R. No.1270 of 2016

Date of Decision.19.02.2016

Gurpreet Singh

.....Petitioner

Vs.

Lekh Ram and others

.....Respondents

Present: Ms. Mayuri Lakhanpal Kalia, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

-.-

K. KANNAN J. (ORAL)

1. In a suit for injunction restraining the defendant from in any manner causing encroachment into property which the plaintiff described as pond, the defence was that it was *abadi deh* and not pond as contended by the plaintiff. The plaintiff had concluded the evidence. The defendant had also concluded the same. At the stage when the case was posted for rebuttal, the plaintiff has moved an application for appointment of local commissioner which was declined. I do not think that there is any error on the part of the trial Court to decline such exercise when the plaintiff ought to have produced positive evidence of fact affirmed in the plaint and this could not be brought at the stage of rebuttal. In fact there is nothing to rebut apart from putting an argument on the basis of what was already proved by the plaintiff at the time of trial.

2. I make no intervention. The revision petition is dismissed.

**(K. KANNAN)
JUDGE**

February 19, 2016
Pankaj*