

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

**CR-1730 OF 2016 (O&M)
DATE OF DECISION:17.3.2016**

SOUDAGAR RAM AND OTHERS

....Petitioners

VS.

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Mandeep K. Saajan, Advocate
for the petitioners.

DARSHAN SINGH, J. (ORAL)

1) The present revision petition has been preferred against the order dated 05.01.2016 passed by the learned Civil Judge (Junior Division), Abohar, vide which the application filed by the petitioners/plaintiffs for appointment of the Local Commissioner, has been dismissed.

2) Learned counsel for the petitioners contended that the appointment of the Local Commissioner is essential for elucidating the facts in issue. He contended that the houses of the plaintiffs are situated in Khasra No.231 (1-11), 232/2(1-2), 233 (1-0). He want to bring on record the real position with respect to their houses before the Court for proper adjudication of the matter. This Court has also given liberty to the petitioner to move the fresh application at the appropriate stage for appointment of the Local Commissioner. Thus, he contended that the learned trial Court has wrongly dismissed the application.

3) I have duly considered the aforesaid contentions. This fact is not disputed that earlier also, the application moved by the petitioners for appointment of the Local Commissioner, was dismissed by the learned trial Court vide order dated April 17, 2015. At that time also, it was pleaded that they have constructed their houses in Khasra No.231 (1-11), 232/2(1-2), 233 (1-0). The wrong demarcation has been conducted, so, they have pleaded for appointment of the Local Commissioner. Their application was dismissed by the learned trial Court vide order dated 17.04.2015. The petitioner preferred civil revision No.3297 of 2015 which was dismissed by this Court on July 6, 2015 and this Court has categorically observed that the trial Court has rightly dismissed the application for appointment of the Local Commission. However, it was mentioned in the order dated July 6, 2015, that it will always be open to the Court to appoint the Local Commission at the apportune time if the trial Court is of the opinion that in the interest of justice, it is expedient to identify the property for fair adjudication. So, the liberty was given by this Court in the order dated July 6, 2015 to the trial Court to appoint the Local Commission at the appropriate stage if it finds expedient to identify the property for fair adjudication. No liberty was given in that order to the petitioners to move any fresh application for appointment of the Local Commission.

4) Moreover, the impugned order shows that the ejectment order has been passed by the competent authority against the plaintiffs as they have encroached upon the land comprised of Khasra No.199(7-8). The defendants have also placed on record the demarcation report dated 24.07.2009. So the demarcation of the suit property has already been taken

place.

5) Thus I do not find any illegality in the impugned order. Consequently, the present revision petition being without any merit, is hereby dismissed.

March 17, 2016

SwarnjitS

(DARSHAN SINGH)
JUDGE