

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2474 of 2016

Date of Decision: 06.04.2016

Smt. Vidya Devi

... Petitioner(s)

Versus

Ram Avtar

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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

Present: Mr. Amit Arora, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition is challenge to the order dated 2.3.2016, passed by learned Additional District Judge, Rohtak, whereby application for appointment of Local Commissioner was dismissed.

Learned counsel for the petitioner submitted that appointment of Local Commissioner shall help the Court to appreciate the evidence in a proper manner and to arrive at factual position but the Court below dismissed the application being without any merit and present petition be accepted.

Having considered the submissions made by learned

counsel for the petitioner and gone through record of the case file and the impugned order, passed by learned Additional District Judge, Rohtak, this Court is of the considered view that petitioner was given due opportunity to lead evidence and at that stage, petitioner could examine the expert witness but he failed to do so. The present application has been filed after conclusion of the evidence by the petitioner. The Court, after considering the material and evidence already available on file, observed that petitioner wanted to reopen the case and to create evidence, which is not permissible as per law. That way, the Court below has made observation that appointment of Local Commissioner at that stage would not be of any help to the Court below for appreciating the evidence in any manner.

As per view taken by the Division Bench of this Court in ***Harvinder Kaur v. Godha Ram ILR 1979(1) Punjab and Haryana 147***, revision petition against such an order for appointment of Local Commissioner is not maintainable.

In view of above and view taken by the Division Bench of this Court in ***Harvinder Kaur 's case (supra)*** and facts of the case, present petition stands dismissed being devoid of any merit.

(Shekher Dhawan)
Judge

April 6, 2016
"DK"