

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2687 of 2016

Date of Decision: 12.04.2016

Jatinder Singh, Advocate

... Petitioner(s)

Versus

Vinod Vohra and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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| 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. Karanjit Singh, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition is challenge to the order dated 3.3.2016, passed by learned Civil Judge (Senior Division), Amritsar, whereby application for appointment of Local Commissioner was dismissed.

Learned counsel for the petitioner submitted that the Court below has dismissed the application for appointment of Local Commissioner, though appointment of Local Commissioner shall help the Court to arrive at just decision of the case and to appreciate the evidence in correct perspective and as such order dated 3.3.2016 be set aside.

Having considered the submissions made by learned counsel for the petitioner and gone through the impugned order, this Court is of the considered view that the Court below has already recorded the observation that the material and evidence, already available on the file, is sufficient to decide the controversy and there is no need for appointment of Local Commissioner. In such like matter of appointment of Local Commissioner, it is for the trial Court to decide whether, in the given circumstances, appointment of Local Commissioner shall help the Court to arrive at a factual position to appreciate the evidence in a proper manner or not, whereas in the case in hand, the Court below has already made observation that there was no need for appointment of Local Commissioner as the material and evidence available on the file is sufficient to appreciate the evidence in correct perspective. As such, present petition against such an order is not maintainable and without any merit. Such a view was taken by the Division Benches of this Court in ***Pritam Singh and Another v. Sunder Lal and Others 1991(1) RRR 356*** and ***Harvinder Kaur and Another v. Godha Ram and Another 1979(1) RentLR 47***.

In view of the discussion made above, present petition stands dismissed, *in limine*, being devoid of any merit.

(Shekher Dhawan)
Judge

April 12, 2016

"DK"