

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-3299-2016 (O&M)

Date of Decision:-25.05.2016

Hawa Singh

...Petitioner

Versus

The Secretary, Municipal Committee Kharkhoda
District Sonapat & ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE SHEKHER DHAWAN

Present:- Mr. Rajinder Singh Malik, Advocate,
for the petitioner.

SHEKHER DHAWAN, J.

CM-11144-CII of 2016

Prayer made in the application for placing on record Annexure
P-5 and for exemption from filing the certified copy of the same.

In view of the grounds mentioned in the application, the same
is allowed and Annexure P-5 is taken on record and CM stands disposed of
subject to all just exceptions.

CR-3299 of 2016

Present revision petition is against the order dated 18.04.2016
(Annexure P-1) passed by Civil Judge (Junior Division), Kharkhoda
whereby prayer made by the petitioner for appointment of Local
Commissioner was declined.

Learned counsel for the petitioner mainly submitted that the
dispute is mainly about demarcation and identity of the property which can
only be established by appointment of some revenue official with a

direction to visit the spot and give report about the factual position. More so, defendant Sumer Singh appeared as DW-1 and the witnesses namely Bablu Parjapat and Ram Niwas who appeared as DW-3 and DW-4 admitted in their cross-examination that they have no objection if the measurement of the land is done again in their presence as the earlier demarcation was made in the presence of defendant.

The Court below completely ignored these facts and Local Commissioner should have been appointed in the case so as to visit the spot and report about the factual position in presence of both the parties.

In view of the above, order dated 18.04.2016 (Annexure P-1) is set aside and the Court below shall consider the request of the petitioner for appointment of Local Commissioner on the basis of such application filed before the Court below.

May 25, 2016
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(SHEKHER DHAWAN)
JUDGE