

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

**CR No.3929 of 2015
Date of Decision-24.10.2016**

Sukhmander Singh and others ... Petitioners

Versus

Mukhtiar Kaur and others ... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Kuljeet Kaur, Advocate for the petitioners.

Mr. Abhinav Jain, Advocate and
Mr. N.S. Wahhiwal, Advocate
for respondents No.1, 2 and 3.

RAJ MOHAN SINGH, J.

[1]. Defendants-petitioners have filed this revision petition wherein challenge has been made to order dated 06.05.2015 passed by Civil Judge (Junior Division), Moga vide which application for changing the Local Commissioner appointed by the Court on 17.11.2014 was dismissed.

[2]. Sh. Amit Mittal, Advocate was appointed as a Local Commissioner. Defendants No.1 to 4 had objection on the said Local Commissioner on the ground that the said Advocate had joint wall of his office with the Chamber of learned counsel for defendant No.5-Major Singh at the instance of whom the case was allegedly filed by his brother's family i.e. Mukhtiar Kaur etc. Change of Local Commissioner was sought on mere apprehension that the Local Commissioner may collude with the Advocate for defendant No.5.

[3]. Local Commissioner was appointed vide order dated 17.11.2014 and the Local Commissioner was directed to visit the spot, prepare site plan and to submit his report in the reference given to him.

[4]. Application for changing the Local Commissioner was moved by defendants No.1 to 4 only on the ground that defendants No.1 to 4 have an objection on the said Local Commissioner as he is having joint wall of his office with the Chamber of learned counsel for defendant No.5-Major Singh at whose instance the present case came to be filed by his brother's family i.e. Mukhtiar Kaur etc. On this apprehension, the application for change of Local Commissioner was filed alleging that there was no possibility of correct report.

[5]. In the present revision petition, notice of motion was issued to respondents No.1 to 3 only.

[6]. I am afraid, no such change of Local Commissioner can be made on mere apprehension. Petitioners have the remedy to file objection against the report of Local Commissioner in event of finding any alleged misconduct on the part of the Local Commissioner. At the time of appointment of Local Commissioner, no such objection was raised and the Local Commissioner was appointed in the presence of both the parties.

[7]. After perusing the impugned order dated 06.05.2015 passed by Civil Judge (Junior Division), Moga, I found that no error

of jurisdiction has been committed by the trial Court in declining the prayer for change of Local Commissioner at the instance of the petitioners. This revision petition is accordingly dismissed.

(RAJ MOHAN SINGH)
JUDGE

24.10.2016
Prince

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No