

117.

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

Civil Revision No.3970 of 2016

Date of decision:02.06.2016

Ranjit Kaur

... Petitioner

versus

Santokh Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Virinder Kumar Shukla, Advocate,
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

In a suit for declaration seeking for mandatory injunction, the plaintiff has sought for appointment of a Local Commissioner to identify and assess whether there has been an attempt of making passage over the property claimed by the plaintiff. The objection has been that a similar contention raised in a previous proceeding between the same parties was decided in favour of the defendant/petitioner and that the same issue cannot be brought by means of a fresh suit. There has been no objection about the institution of the suit itself through any application filed under Order 7 Rule 11 CPC and if the issue must only relate to a question of whether the Commissioner could have been appointed or not, I will leave the matter to be best put for consideration

in the hands of a trial Judge to decide whether such a course would help the court in the ultimate dispensation. I find no illegality in the order for interference. Revision petition is dismissed.

(K.KANNAN)
JUDGE

02.06.2016
sanjeev