

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.4485 of 2016

Date of Decision.11.08.2016

Sushil Kumar

.....Petitioner

Vs.

Shri Ved Parkash

.....Respondent

Present: Mr. V.D. Sharma, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

AMIT RAWAL J. (ORAL)

Learned counsel for the petitioner-plaintiff is aggrieved of the impugned order whereby objection to the demarcation report done by the local commissioner at the instance of defendant, has been dismissed.

Mr. V.D. Sharma, learned counsel for the petitioner-plaintiff submits that the suit is for possession of the property based upon the demarcation which has not been assailed so far. The suit is at initial stage and the objection ought to have been permitted.

I have heard learned counsel for the petitioner and appraised the paper book. The plaintiff has to stand on his legs and prove the case for the purpose of claiming possession. Equally so the defendant would also discharge the burden. Both the parties are relying upon the demarcation reports and the same can be looked into in case they are proved in accordance with law and demarcations have been done in pursuance of High Court Rules and Regulations. It would be a question of debate and arguments at the final stage, much less, the plaintiff would have a right to cross-examine the person who had demarcated the property at the instance

already laid in **Balbir Dewan Vs. Naveen Chander AIR 1989 P&H 257.**

For the foregoing reasons, I do not find any illegality and perversity in the order passed by the Court below, much less, the order cannot be said to be passed without jurisdiction. No ground for interference is made out. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

August 11, 2016
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No