

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

CR No.4756 of 2016
Date of decision : 28.07.2016

Gajraj Singh and others

...Petitioners

Versus

Rakesh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Varun Sharma, Advocate for the petitioners.

AMIT RAWAL, J. (Oral)

Petitioner-defendant is aggrieved of the impugned order, whereby application of the respondent-plaintiff at the stage of his evidence seeking appointment of the Local Commissioner has been allowed.

Learned counsel for the petitioner-defendant submits that purpose of the appointment of the Local Commissioner is not to collect evidence. Plaintiff has to stand on his own legs. Having failed to lead evidence, service of Local Commissioner ought not to have been obtained, therefore, order appointing the Local Commissioner is not sustainable and is liable to be set aside.

I have heard learned counsel for the petitioner and appraised

the paper book and of the view that as per the admission of the petitioner-defendant, case is listed for plaintiff evidence. Suit is for possession and for consequential relief of injunction. In order to determine the encroachment, service of Local Commissioner can always be taken to ascertain the truth though plaintiff would be leading any evidence in support of the averments made in the plaint.

In my view, appointment of Local Commissioner would help and aid the Court in adjudication of the lis. No prejudice would be caused to the defendant. They shall have right to cross-examine.

No ground for interference is made out.

Dismissed.

28.07.2016

pawan

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned: Yes

Whether reportable:- Yes/No