

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6037 of 2016

Date of Decision: September 16, 2016

Nazeer

...Petitioner

Versus

Aamin & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Hemant Goyal, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-defendant, who is appellant before the Lower Appellate Court against the judgment and decree whereby the suit of the respondent-plaintiffs had been decreed, is aggrieved of the impugned order, whereby the application for appointment of Local Commissioner has been dismissed.

Mr.Hemant Goyal, learned counsel for the petitioner submits that owing to the inadvertent error, such exercise could not be done as it has become essential and necessary to ascertain the physical possession at the spot as there are many houses and buildings of certain persons, therefore, the injunction granted by the trial Court was not maintainable.

I have heard the learned counsel for the petitioner and appraised the paper book and of the view that an attempt to lead evidence under the garb of appointment of Local Commissioner is too late in a day, much less is an attempt to fill up the lacunae, which is not permissible. The

petitioner has failed to point out as to how and what assistance of the Local Commissioner is necessary for ascertaining the existing state of affairs. This exercise should have been done when the suit was pending. Much water has flown. The clock cannot be put back, which is being attempting to be done in the present case. The order under challenge is perfectly legal and justified. No ground for interference is made out.

Revision petition stands dismissed.

September 16, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No