

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.6491 of 2016 (O&M)

Date of decision:28.09.2016

Lakhwinder Singh

... Petitioner

Vs.

Sukhdev Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Dheeraj Mahajan, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Petitioner-defendant is aggrieved of the dismissal of the application filed under Order 26 Rule 9 of Code of Civil Procedure (hereinafter referred to as "CPC") for appointment of the Local Commissioner.

Mr. Dheeraj Mahajan, learned counsel appearing on behalf of the petitioner-defendant submits that khasra girdawari had incorrectly been recorded in the name of Baldev Singh, who is real brother of the plaintiff and in this regard, an application dated 07.09.2015 was moved for possession of the same and Baldev Singh suffered a statement but the plaintiffs came to know about the aforementioned application by alleging that they are in possession. It is in this background of the matter, the application aforementioned was moved to ascertain the possession and therefore, this aspect has totally ignored by the Court below and thus, there

is illegality and perversity in the impugned order.

I have heard learned counsel for the petitioner-defendant and appraised the paper book and of the view that it is too premature to move an application for appointment of the Local Commissioner as the plaintiffs have to stand on their own legs and equally so the defendant on the basis of the documentary evidence brought on record. In case, the parties are able to prove on record certain documents and despite that unable to prove certain things and necessity arises for appointment of Local Commissioner, it is in that peculiar circumstances, the application can be filed and entertained but not at the stage of suit indicated above.

No ground is made out for interference in the impugned order.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

September 28, 2016
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No