

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

206

**CR-6574 of 2013
DATE OF DECISION: 02.03.2016.**

Jai Ram Malik

....Petitioner.

VERSUS

Suresh and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. D.K. Tuteja, Advocate for the petitioner.

Mr. Gaurav Khera, Advocate for respondents No.2 and 3.

Shekher Dhawan, J. (Oral)

Present petition is challenge to the order dated 08.07.2013 whereby, against the report of Local Commissioner available on the file, the Court below dismissed the objections filed by both the parties.

Learned counsel for both the parties submitted that the evidence has already been concluded and the said objections be considered alongwith evidence available on the file at the time of final disposal. More so, if any party wants to call the Local Commissioner as a witness for the purpose of cross-examination, party be given opportunity to move such an application before the Court below.

In view of the above, order passed by the Court below dated 08.07.2013 thereby dismissing the objections filed against the report of Local Commissioner without giving any reason is legally not maintainable and the said order is hereby set aside.

However, it is made clear that the objections filed by both the parties shall be considered and decided by the Court below at the time of

final disposal of the case on the basis of evidence available on the file alongwith the report of Local Commissioner.

However, if any party moves an application for calling Local Commissioner for the purpose of cross-examination, Court below shall accept the said application.

In view of the above, present petition stands disposed of.

(SHEKHER DHAWAN)
JUDGE

02.03.2016.

komal