

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

-.-

CR 6728 of 2016

Date of decision: 06.10.2016

Ramesh Chander

..... *Petitioner*

Versus

Kishori Lal and others

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Munish Puri, Advocate
 for the petitioner

-.-

Rekha Mittal, J. (Oral)

The present petition has been directed against order dated 03.08.2016 (Annexure P6) passed by the Additional Civil Judge (Senior Division), Pathankot whereby application of the petitioner under Order 26 Rule 9 of the Code of Civil Procedure for appointment of local commissioner has been dismissed.

Perusal of the impugned order would indicate that the application was filed by the petitioner even before framing of issues much less adducing any evidence by the petitioner.

Counsel for the petitioner submits that the instant petition may be dismissed as withdrawn with liberty to the petitioner to file a fresh application seeking appointment of local commissioner after adducing evidence.

In view of the above, the instant petition is dismissed as withdrawn without prejudice to the rights of the petitioner to file a fresh application for appointment of local commissioner after adducing evidence. In case, such an application is filed, the same shall be decided by the trial court without being influenced by earlier order.

(Rekha Mittal)
Judge

06.10.2016
mohan bimbra

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No