

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

CR-6904 of 2015

DATE OF DECISION:16.3.2016

KARTAR SINGH

..Petitioner

VS.

KULDEEP SINGH AND ORS.

....Respondents

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Mandeep Kumar, Advocate
for the petitioner.

Mr. J.S. Thind, Advocate
for respondent No.1.

Mr. Karan Gupta, Advocate
for Mr. Rakesh Gupta, Advocate
for respondent No.4.

DARSHAN SINGH, J. (ORAL)

The present revision petition has been preferred against the order dated 21.9.2015 passed by Civil Judge (Junior Division), Mohali, vide which the application moved by the plaintiff-respondent No.1 for appointment of the Local Commissioner has been allowed.

Learned counsel for the petitioner contended that the Court cannot delegate its functions to the Local Commissioner to report regarding the possession of the disputed property. He has relied upon cases **Harwinder Kumar Vs. Nasib Singh (Punjab and Haryana) 2015 (2) Law Herald 1727, Baljinder Singh Vs. Sukhdev Singh (Punjab and Haryana High Court) 2011 (1) CivCC 810, Jagmohan Vs. Ramesh Kumar @ Ramesh Chander and another (Punjab and Haryana High**

Court) 2014(1) PLR 472, M/s Jain Instruments and Equipment Company Vs. Devinder Singh Sandhu (Punjab and Haryana High Court) 2014 (4) R.C.R. (Civil) 338, Ranjit Singh Vs. Gurbhej Singh (Punjab and Haryana High Court) 2014 (2) Law Herald 1766, Dalbir Singh Vs. Satbir Singh (Punjab and Haryana High Court), 2015 (1) ICC 190 and Raj Singh Vs. Mukhtiar Singh (Punjab and Haryana High Court) 2015 (2) Law Herald 1095.

The aforesaid legal proposition is not disputed at bar by learned counsel for the respondent No.1. The impugned order shows that the learned trial Court has appointed Sh. H.S. Saini, Advocate as a Local Commissioner directing him to visit the spot and to made his report regarding possession of the property, meaning thereby, the trial Court has delegated its functions to Local Commissioner to decide the question regarding possession.

In view of the cases stated at bar by learned counsel for the petitioner, the impugned order passed by learned trial Court is not sustainable in the eyes of law, so the present revision petition is hereby allowed. The impugned order is set aside.

**(DARSHAN SINGH)
JUDGE**

March 16, 2016.

SwarnjitS