

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 6884 of 2014 (O&M)

Date of Decision: 10.02.2016

Jaswant Singh

... Petitioner(s)

Versus

Ram Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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| 1. | Whether reporters of local newspapers may be allowed to see judgment? | Yes |
| 2 | To be referred to reporters or not? | |
| 3 | Whether the judgment should be reported in the Digest? | Yes |

Present: Mr. A.K.Singh Goyat, Advocate
for the petitioner(s).

Mr. J.P.Sharma, Advocate
for the respondent(s).

Shekher Dhawan, J.

Present petition is challenge to the order dated 8.9.2014, passed by learned Civil Judge (Junior Division), Narnaul, whereby application for appointment of Local Commissioner, filed by the petitioner/defendant No.1, was dismissed.

Learned counsel for the petitioner submitted that main suit for permanent injunction was filed by respondent No.1-Ram Singh. During pendency of the litigation, petitioner filed an application for

appointment of Halqa Girdawar as Local Commissioner for the demarcation of the boundaries of three villages. However, the said application was dismissed by the Court below on the ground that demarcation report of the suit property is already available on the file.

Learned counsel for the petitioner submitted that the demarcation report, already made available on the file, was refused to be signed by the defendants and the same was objected to by them. However, the demarcation has not been done in accordance with law and as such the impugned order is liable to be set aside.

Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that the Court below has rightly come to the conclusion that report of Local Commissioner Ex.PW.2/A is on the file and the said report was exhibited as per Court record and no objection was raised at the time of exhibition of the said document. There is no purpose of appointment of Local Commissioner again and again. Petitioner shall be well within his rights to file objection against the report of Local Commissioner and the trial Court shall consider the report of the Local Commissioner as well as objections, if any, filed and at the same time after appreciating the oral as well as documentary evidence adduced by the parties to decide the controversy. Revision against such an order is not maintainable. Such a view was taken by co-ordinate Bench of this Court in cases ***Ganpat v. Satvir and Others 2013(1) Law Herald 521, Smt. Ulfat v. Hardeep Singh 2012(5) RCR (Civil) 753, Jagmohan v. Ramesh Kumar alias Ramesh Chander and Another 20147(1) PLR 472,***

and ***Smt. Asha Devi and Others v. Bhollu Ram and Another*** **2012(2) PLR 14**. But at any rate, there is no justification for appointment of Local Commissioner again and again one after the another and the Court below has rightly declined the application.

In view of above, present petition stands dismissed being devoid of any merit.

(Shekher Dhawan)
Judge

February 10, 2016
"DK"