

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
2016.03.17 11:49
I attest to the accuracy and
authenticity of this document

Civil Revision No.7231 of 2015
Date of Decision: 15.3.2016

Parbhati

---Petitioner

versus

Inder Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. V.D.Sharma, Advocate
for the petitioner**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

The present petition lays challenge to order dated 14.10.2015 (Annexure P-6) passed by the Civil Judge (Junior Division), Jhajjar dismissing application of the petitioner for appointment of a local commission to demarcate and report as to how much portion of Killa No. 103/14 is underneath the constructed farm house.

Counsel for the petitioner would contend that the demarcation of the suit property would facilitate just and effective adjudication of contesting claims of the parties, therefore, the court below has committed an error in rejecting his prayer.

I have heard counsel for the petitioner, perused the records but find no merit in the petition.

Counsel for the petitioner is fair enough to concede that the

petitioner has filed a suit for separate possession by way of partition of the suit property, a preliminary decree would be passed by the court in case the petitioner is found entitled to a share in the suit property and further entitled to separate possession of the said share. The Court below has rightly held that process of the court cannot be used for collecting evidence by any party. On the contrary, in case claim of the petitioner is accepted, at the time of passing of final decree, the court may be required to appoint a local commission to suggest the mode of partition. In the given facts and circumstances of the case, I do not find any error much less illegality in the impugned order as would warrant intervention.

Disposed of.

(Rekha Mittal)
Judge

15.3.2016
PARAMJIT