

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 7584 of 2015(O&M)
Date of decision : February 29, 2016

Smt. Purna Devi

..... Petitioner

Versus

Dinesh Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ramesh Chand Sharma, Advocate
for the petitioner.

Mr. Gaurav Sethi, Advocate
for the respondent.

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

Amit Rawal, J (oral).

The petitioner-plaintiff is aggrieved of the order dated 29.10.2015 whereby application Annexure P-3 seeking appointment of the Local Commissioner has been dismissed on the ground that prior to the aforementioned application, a local commissioner was appointed and he submitted report dated 27.4.2010.

Learned counsel for the petitioner submits that during the cross-examination, respondent-defendant did not object to the appointment of new Local Commissioner. In this context this application was moved which has erroneously been dismissed by

holding that there is no need of appointing fresh Local Commissioner.

Mr. Gaurav Sethi, learned counsel for the respondent submits that the contents of the application do not mention about the factum of having surfaced during the cross examination, much less viz-a-viz argument qua appointment of Local Commissioner. Prayer in the application tantamounts to filling up of a lacuna. The report of the Local Commissioner has already come on record.

I have heard learned counsel for the petitioner and appraised the paper book and of the view that the application was not maintainable as it tantamounts to filling up of a lacuna in view of the report of the Local Commissioner Annexure P-1. The application Annexure P-3 lacks reasons as to which portion mentioned as ABC of the site plan is to be inspected. In essence, no site plan has been attached. Moreover the admission of the plaintiff in the cross examination would not give any cause of action to the plaintiff to move another application. The report has already come on record.

In view of the aforementioned facts, I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits. Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

February 29 , 2016
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