

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

C.R. No. 2059 of 2016

Date of Decision: April 20, 2017.

Kanwaldeep Singh

....Petitioner

Versus

Maan Singh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. P.P.S.Brar, Advocate, for the petitioner.
Mr.Ravish Bansal, Advocate, for the respondents.

Rajan Gupta, J (Oral)

Present revision is directed against the order passed by the trial court whereby prayer made by the defendant-petitioner to appoint local commissioner has been rejected.

Admittedly, trial of the case is at its fag end. The court has rejected the plea observing that its forum cannot be used for collecting evidence on behalf of any party to the suit. I find no infirmity with the aforesaid order. I also find support from judgment reported as **Harvinder Kaur and another Vs. Godha Ram and another, 1979 PLJ 562** to hold that this court would normally not entertain the revision petition against refusal for appointment of local commissioner. Counsel for the petitioner, has however, placed reliance of judgment reported as **Haryana Wakf Board Vs. Shanti Sarup and others (2008) Supreme Court Cases 671** to contend that local commissioner can be appointed at any stage. It is evident that the order was passed by the apex court in the facts and circumstances of particular case while setting aside the judgment in Regular Second Appeal and remanding the case to the High Court for decision afresh. Facts of the instant case are entirely different. There is no ground to interfere in the revisional jurisdiction. Dismissed.

(Rajan Gupta)
Judge

April 20, 2017.

BB

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