

Civil Revision No. 21 of 2017

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

**Civil Revision No. 21 of 2017
Date of Decision: 10.1.2017**

Bhagwan Dass

.....Petitioner

Vs.

Krishan Chand and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Sanjeev Goyal, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Instant revision petition is directed against the order dated 29.11.2016 (Annexure P-1) passed by the learned trial court, whereby application moved by the petitioner for appointment of a Local Commissioner for demarcation of the disputed land was declined.

Heard learned counsel for the petitioner.

It has gone undisputed on record that there are two demarcation reports already available on record as Ex.P-1 alongwith site plan and field book as well as demarcation report as Ex.D-1 alongwith report of Kanungo. These reports were prepared by the concerned officers/officials. One demarcation was conducted at the instance of the petitioner and another demarcation was conducted at the instance of the respondents. It is also not

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in dispute that both these reports, already available on record, are yet to be considered and appreciated by learned trial court. It also goes without saying that in case, after considering both these demarcation reports already available on record, learned trial court feels that there is some confusion on which any clarification is required, learned trial court would do well, while making any further local enquiry.

So far as the impugned order is concerned, learned trial court was well within its jurisdiction to pass the same, which has been found based on sound approach and supported by cogent reasons. The impugned order passed by the learned trial court was also in consonance with the law laid down by this Court in **Pritam Singh and another Vs. State of Haryana and others, 2016 (2) PLR 772**. In fact, once two demarcation reports were already available on record, out of which one was at the instance of the petitioner himself, his application for appointment of yet another Local Commissioner for carrying out demarcation of the disputed land for the third time was not even maintainable. Having said that, this Court feels no hesitation to conclude that learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

It is also the settled proposition of law that no party can be permitted to seek assistance of the court to collect favourable evidence, so as to prove its case. Petitioner, who is defendant in the suit, will have every opportunity to defend himself by putting up his best case before the learned trial court, by leading his oral as well as documentary evidence. Further, no prejudice of any kind, whatsoever, has been shown which might have been caused to the petitioner by passing the impugned order. The impugned order

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has not been found suffering from any jurisdictional error or patent illegality, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

10.1.2017
Ak Sharma

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