

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CR No.2231 of 2017

Date of decision: 28.03.2017

Rajesh Kumar

... Petitioner

Vs.

Mahesh Kumar and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present: Mr. Mohit Jaggi, Advocate  
for the petitioner.

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**RAMESHWAR SINGH MALIK, J. (ORAL)**

Present revision petition, filed under Article 227 of the Constitution of India at the hands of plaintiff, is directed against the order dated 06.03.2017 passed by the learned trial Court, whereby application of the defendants for appointment of Local Commissioner, was allowed.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order passed by the learned trial Court would make it crystal clear that it was the learned trial Court who felt it necessary to get the shop of the plaintiff-petitioner demarcated, with a view to arrive at a just conclusion. The impugned order was rightly passed by the learned trial Court with a view to enable itself to do complete and substantial justice between the parties. Having said that, this Court feels no hesitation to conclude that the learned trial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

The impugned order passed by the learned trial Court is containing

specific and clear directions to the Local Commissioner to carry out the demarcation of the shop of the plaintiff, specific dimensions of the constructed portion of the shop of the plaintiff as well as the actual and factual position of the property in dispute, after giving prior notice to both the parties. Under these undisputed facts and circumstances of the case, it can be safely concluded that the learned trial Court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point any factual or legal error in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction. In fact, the impugned order has been found factually correct and legally justified, which is duly supported by sound reasons and the same deserves to be upheld, for this reason as well.

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 present revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No ground for interference has been made out.

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

**[ RAMESHWAR SINGH MALIK ]**  
**JUDGE**

28.03.2017

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No