

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

Sr. No.120

Civil Revision No. 2537 of 2017
DECIDED ON: April 07, 2017

Vir Singh

..PETITIONER

VERSUS

Mohinder Singh and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Sukhpreet Kaur, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant revision petition preferred under Article 227 of Constitution of India, petitioner has sought setting aside of the impugned order dated March 22, 2017 (Annexure P-7) passed by Additional Civil Judge (Senior Division), Nakodar vide which an application dated February 27, 2017 (Annexure P-5) filed by the petitioner under Order XXVI, Rule 9 CPC for the appointment of Local Commissioner, has been dismissed.

2. Through an application moved under Order XXVI Rule 9 CPC, the petitioner intended to get Local Commissioner appointed to verify the actual and factual position regarding the existence of house and tubewell connections in the disputed property, which amounts to collection of evidence. By now, it is pretty settled that no Local Commissioner can be

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appointed to assist the party to collect the evidence. Otherwise also, the parties have already led their respective evidence. I have led their evidence in support of the respective claims and now the case is fixed for rebuttal evidence as well as for arguments. In view of the above discussion, this court does not find any infirmity or illegality in the impugned order, as such, it calls for no interference in this order.

3. Dismissed.

APRIL 07, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes/no

Whether reportable

Yes/no