

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

**CR No.4084 of 2015(O&M)
Date of Decision: 08.08.2017**

Sooba Singh

.....Petitioner

Versus

Rakesh Kumar and others

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:None.

RAJ MOHAN SINGH, J.(ORAL)

[1]. None has appeared despite two pass overs. The present revision petition is of the year 2015.

[2]. Petitioner has challenged the order dated 29.05.2015 passed by Civil Judge (Junior Division), Ludhiana, whereby an application for appointment of Local Commissioner filed by the defendant/applicant was rejected.

[3]. Plaintiff filed a suit for declaration that he is owner in possession of plot No.229, measuring 138 sq. yards comprised in khasra No.45//23, khewat No.2838, khatauni Nos.3195 to 3208 as per *jamabandi* for the year 2005-06 in village Taraf Karabara on the basis of registered sale deed dated 02.06.2010 executed by defendant No.4. A decree for permanent injunction was also sought, restraining defendants No.1 to 3 from interfering in the possession of the plaintiff in respect of suit land.

[4]. Plaintiff further alleged that the defendant is owner of some different land which is situated in village Taraf Mahal Baghat. The said land is different than the land involved in the suit property.

[5]. Defendant is a Municipal Counselor and he intended to grab the land of the plaintiff by virtue of his status. Defendant has pleaded that he is owner in possession of 153 sq. yards comprised in khewat/khatauni No.441/449, khasra No.705/706 as per *jamabandi* for the year 2004-05 in village Taraf Mahal Baghat having purchased the same from one Palwinder Kaur and Kulwant Singh vide registered sale deed dated 09.02.2010. On his part, defendant alleged that the plaintiff has all the evil intentions to grab the property of the defendant. Demarcations have already been conducted. It is still contingent as to which of the demarcation report would be accepted by the trial Court. Two demarcations have already been conducted and the same shall be dealt with by the trial Court in accordance with law at the relevant stage.

[6]. At this stage, this Court cannot be instrumental in collecting evidence for either of the parties by means of appointing Local Commissioner. Even otherwise, the land situated in village Taraf Mahal Baghat cannot be presumed to be having any affect on the land situated in village Taraf

Karabara.

[7]. Without meaning anything on ultimate merits of the case, I find that there is no error of jurisdiction in the order dated 29.05.2015 passed by Civil Judge (Junior Division), Ludhiana. This revision petition is accordingly dismissed.

08.08.2017	(RAJ MOHAN SINGH)
prince	JUDGE
Whether Reasoned/Speaking	Yes/No
Whether Reportable	Yes/No