

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CR No.3964 of 2017

Date of decision:20.7.2017

Omparkash and another

...Petitioners

Versus

Ram Swarup and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Manish Mehta, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 30.3.2017 passed by the learned trial court at Annexure P-3, whereby application moved by the petitioners for appointing local commissioner was dismissed, they have approached this court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioners.

It is a matter of record and not in dispute that both the parties are claiming themselves to be in possession of the suit property. Once that is so, it is for the defendants-petitioners to lead their relevant evidence before the learned trial court, in accordance with law. Further, even if some sort of construction has been raised by the petitioners on the suit land, it would not be difficult for them to prove their construction as well by leading relevant evidence. They cannot be permitted to seek the assistance of the court only with a view to facilitate themselves to prove their pleaded

case. The learned trial court passed the order because the learned court was not duty bound to facilitate the petitioners so as to prove their assertions made in their written statement. Having said that, this Court feels no hesitation to conclude that the learned trial court was well within jurisdiction to pass the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned order, which may warrant interference, at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order is supported by sound reasons, because of which no fault can be found with it and the same deserves to be upheld, for this reason also.

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 the instant civil 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 above-said observations made, the present civil revision petition stands dismissed, however, with no order as to costs.

20.7.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No