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

**CR No.4807 of 2017
Date of decision:26.7.2017**

Bahadur Singh

...Petitioner

Versus

Joginder Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Ashok Bhardwaj, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 14.12.2015 (Annexure P-5) and order dated 10.4.2017 (Annexure P-7) passed by the learned trial court, appointing a local commissioner for demarcation of the suit land, defendant has approached this Court by way of present civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned orders.

Heard learned counsel for the petitioner.

It has gone undisputed before this Court that petitioner did not challenge the order dated 14.12.2015 (Annexure P-5) at an earlier point of time. Subsequent impugned order dated 10.4.2017 (Annexure P-7) was passed by the learned trial court only as a consequence of above-said order dated 14.12.2015. The argument raised by the learned counsel for the petitioner that passing of the impugned order would amount collecting evidence for the plaintiff, has been duly considered but the same has been

found wholly misplaced for the reason that the scope of reference of local commissioner is specific and limited one, i.e. demarcation of the suit property.

Demarcation alone is not going to establish the possession or ownership of either of the parties. Further, the apprehension of the petitioner has also been found ill-founded by passing of the subsequent order dated 10.4.2017 (Annexure P-7) passed by the learned trial court, whereby the earlier demarcation report carried out by the revenue official was not accepted by the learned trial court as it is. Having said that, this Court feels no hesitation to conclude that the learned trial court was well within its jurisdiction to pass the impugned orders and the same deserve to be upheld.'

Another wholly irrelevant argument raised by the learned counsel for the petitioner is that the suit is not maintainable, in view of the provisions contained in Order 2 Rule 2 of the Code of Civil Procedure. This argument is not available to the learned counsel for the petitioner before this Court. As per the later order dated 10.4.2017 (Annexure P-7), learned trial court directed the concerned Tehsildar to conduct demarcation under his own supervision and after following the relevant rules and orders in that regard. 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 orders and the same deserve to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the abovesaid impugned orders, 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 orders are supported by sound reasons, because of which no fault can be found with it and the same deserve 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 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.

26.7.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

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