

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.No. 5842 of 2017

Date of decision:- 31.08.2017

Sh. Sat Pal and anr.

...Petitioners

Versus

Tarsem Lal and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. M.S. Rana, Advocate
for the petitioners.

RITU BAHRI J. (Oral)

This petition under Article 227 of the Constitution of India is for setting aside order dated 09.08.2017 (Annexure P-3) passed by the learned Civil Judge, Jr. Divn, Jalandhar whereby the application filed by the petitioners under Order 26 rule 9 CPC for appointment of Patwari Halqa/concerned Kanungao as Local Commissioners for demarcation of property has been dismissed.

The suit was filed on 04.06.2012 and written statement was filed way back on 10.12.2012 and since then the nature of the dispute was very much in the knowledge of the plaintiffs/petitioners. The issues were framed on 02.01.2013 and the petitioners closed the evidence on 18.04.2014 i.e almost after a gap of 03 years and 03 months. No such application was moved and when the case was at the argument stage, the petitioners filed the application.

A bare perusal of impugned order shows that the application of the petitioners has been dismissed on the ground that the Court is not to become a party to the litigation by procuring evidence in favour of parties to the suit. The petitioners have neither approached the revenue authorities

themselves earlier nor through this Court for such a long time and now the Court cannot be made a party to bring evidence for them. Further the petitioners are supposes to prove their case.

The impugned order passed by the Court below does not required any interference from this Court, as the demarcation report was held not to be essential for just decision of the case.

The petition stands dismissed.

August 31, 2017
G Arora

(*RITU BAHRI*)
JUDGE
Yes
No

Whether speaking/reasoned
Whether reportable