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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.6416 of 2017
Date of Decision: 03.11.2017

BAHADUR SINGH

.....Petitioner

Vs

JOGINDER SINGH & ANR.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

None for the respondents.

RAJ MOHAN SINGH, J. (Oral)

[1]. As per office report service *qua* respondents is complete. However, there is no representation on behalf of the respondents.

[2]. Petitioner has assailed the order dated 06.09.2017 passed by the Civil Judge (Jr. Divn.) Sangur whereby the application filed by the plaintiffs was allowed and *Halqa Kanungo* was appointed as Local Commissioner for demarcation of the suit property.

[3]. Learned counsel for the petitioner submitted that that

the application filed by the defendant/petitioner has not been decided so far. For the first time, the Local Commissioner was appointed on the application filed by the petitioner vide order dated 14.12.2015 with a direction to the *Halqa Kanungo* to visit the spot after giving proper notice to the parties and demarcate the suit property. The Local Commissioner submitted his report and the said report was discarded by the Addl. Civil Judge (Sr. Divn.) Sangrur vide order dated 16.07.2016 and fresh direction was issued to the Naib Tehsildar to conduct the demarcation of the suit property taking *pucca*/starting points from *burji* or from main road towards Sangrur abutting the suit property.

[4]. Learned counsel further submitted that pursuant to the aforesaid order Naib Tehsildar conducted the demarcation, but the said demarcation was also uprooted by the Addl. Civil Judge (Sr. Divn.) Sangrur vide order dated 10.04.2017 as the same was not found in consonance with the Rules and Orders of the High Court. Therefore, Tehsildar was directed to conduct the demarcation under his supervision by taking recourse to laser technology.

[5]. Learned counsel further submitted that at the relevant time, two applications were pending before the trial Court. One application was filed by the plaintiffs for demarcation and second application was filed by the defendant/petitioner for the

same purpose. Vide the impugned order the trial Court has again appointed *Halqa Kanungo* as Local Commissioner to demarcate the suit property instead of utilising the laser technology. The application filed by the defendant has not been been adverted to in any manner. The impugned order has been passed on the application of the defendant/petitioner despite the fact that on earlier three occasions, the prayer on behalf of the plaintiffs was commented upon and ultimately vide order dated 10.04.2017, Tehsildar was directed to get the demarcation conducted under his supervision by taking recourse to laser technology.

[6]. I have heard learned counsel for the petitioner.

[7]. Grievance of the petitioner is not only to the extent of not deciding his application by the trial Court but also not doing the demarcation by the Local Commissioner by taking recourse to laser technology under the supervision of the Tehsildar as ordered vide order dated 10.04.2017.

[8]. In view of facts and circumstances of the case, I deem it appropriate to modify the order dated 06.09.2017 passed by the Civil Judge (Jr. Divn.) Sangrur in consonance with the earlier order dated 10.04.2017. Ordered accordingly. The application filed by the petitioner be decided strictly in accordance with law

within a period of two weeks from the date of receipt of certified copy of this order.

[9]. With the aforesaid modification, this revision petition stands disposed of.

November 03, 2017

(RAJ MOHAN SINGH)
JUDGE

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No