

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

CR No.6713 of 2017(O&M)

Date of decision: 28.9.2017

Om Parkash and anotherPetitioners

VERSUS

Mohinder Singh and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Satpreet Grewal Kapila, Advocate for the petitioners.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against order dated 21.08.2017 (Annexure P-10) passed by the Civil Judge (Junior Division), Hoshiarpur whereby application filed by the petitioners/defendants to order fresh demarcation of the land by a local commissioner has been dismissed.

It is undisputed position of the case that earlier the Court appointed a local commission for conducting demarcation at the spot while allowing application of the respondents/plaintiffs for the aforesaid purpose. The local commission made a report dated 25.05.2017 whereby it was found that encroachment made by defendant No.1 is to the extent of 1 marla and 6 sarshai as against claim of the plaintiffs qua encroachment of 2½ marlas. Both the parties filed objections against the report submitted by the local commission and the objections are still pending for adjudication. The petitioners filed another application for appointment of a local commissioner but the same has been declined by the Court below in

the light of observations recorded in para 6 of the order impugned. I do not find any error much less illegality in the impugned order warranting intervention in exercise of supervisory jurisdiction of this Court. However, the trial Court is at liberty to appoint another local commissioner if the Court, after considering objections of the parties, arrive at a conclusion that fresh demarcation is warranted, in the circumstances.

With the aforesaid observations, the present petition stands disposed of.

SEPTEMBER 28, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no