

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

CR No.8188 of 2017

Date of Decision: 24.11.2017

Paramjit Kaur

.....Petitioner

Versus

Harcharan Singh and others

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Arjun Veer Sharma, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(ORAL)

[1]. Petitioner has assailed the order dated 12.10.2017 passed by Civil Judge (Junior Division), Ludhiana, vide which application under Order 26 Rule 9 CPC filed by the defendant for appointment of Local Commissioner was allowed.

[2]. The order rejecting prayer for appointment of Local Commissioner is not revisable in view of ratio laid down in **Harvinder Kaur and another Vs. Godha Ram and another, 1979 AIR (Punjab) 76, M/s Mohinder Kumar Rajinder Parkash Dalmir Singh @ Dalmira and Mangal Singh and another Vs. Piara Lal, 1971 PLR 531 and Pritam Singh and another Vs. Sunder Lal and others, 1990 PLJ 418.**

[3]. In **Rajinder and Co. Vs. Union of India and others, 2003(1) RCR (Civil) 755,** the Hon'ble Apex court has held that the order granting permission to appoint Local Commissioner is

also not revisable. The question whether the report of the Local Commissioner is finally acceptable or otherwise would be decided by the concerned Court *de hors* the order passed by the authority. High Court cannot interfere with the order of the trial Court appointing the Local Commissioner for inspection of the site. The said view was followed by the High Court in the subsequent case i.e. **Harpal Singh Vs. Harmohinder Singh and others, 2013(2) RCR (Civil) 892.**

[4]. In view of above, no exception can be made out. This revision petition is accordingly dismissed.

24.11.2017

prince

Whether Reasoned/Speaking

Whether Reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No