

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

CR No. 868 of 2016

Date of decision: 13.07.2017

Bharpur Singh

...Petitioner

Versus

Jaspal Singh

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Saurabh Kaushik, Advocate,
for the petitioner.

Mr. Vijay Sharma, Advocate,
for the respondent.

Ritu Bahri, J.

Challenge in this petition is to the order dated 19.01.2016 (Annexure P-7) passed by the Civil Judge (Junior Division), Nabha, whereby application filed by plaintiff-respondent under Order 47 Rule 1 read with Section 151 CPC for review of order dated 14.08.2015 has been allowed and a Local Commissioner has been appointed.

While passing the impugned order, trial Court made reference to the judgment passed by Hon'ble the Supreme Court in **Jagmohan Singh Vs. State of Punjab**, 2008 (2) Apex Court Judgment 614 (SC), wherein scope of review of Court order has been discussed in detail. In that case, it has been observed that an application for review can also be allowed, if it is necessitated on account of some mistake and the Court can also take into consideration a subsequent event.

Main ground for allowing the review application was that under the High Court Rules and Orders, where there was a dispute with regard to boundaries of any land, it was desirable that an enquiry be made on the spot by appointment of a Local Commissioner.

By way of present suit, plaintiff-respondent is seeking possession of land, which he has purchased from the father of defendant-petitioner. There is a dispute with regard to boundaries of the suit land. Plaintiff-respondent is alleging that defendant-petitioner has encroached upon some portion of his land. This kind of dispute can only be resolved by way of demarcation of the suit property from some revenue expert/officer.

In these circumstances, the trial Court has rightly appointed the concerned Naib Tehsildar as Local Commissioner to demarcate the suit land. Hence, the impugned order does not suffer from any illegality or infirmity warranting interference by this Court.

Resultantly, finding no merits, the present petition is dismissed.

13.07.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No