

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 8321 of 2017

Date of Decision: 14.12.2017

Paramjit Singh

.....Petitioner

Versus

Paramjit Kaur and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Manmohan Kaur, Advocate
for the petitioner.

ANITA CHAUDHRY, J

The petitioner (defendant) has assailed the order dated 6.10.2017 (Annexure P-3) passed by the Additional Civil Judge (Senior Division), Fatehgarh Sahib who dismissed the application for appointment of Local Commissioner. A prayer was made that he be directed to report about the foundation existing on the spot.

The dispute between the parties is with respect to a property. The plaintiff had asserted that it was a part of the street whereas the defendant had pleaded that his boundary wall exists and is part of his house. Both the parties had concluded their evidence. The defendants moved an application at the rebuttal stage seeking appointment of a Local Commissioner to report whether there existed a foundation below the boundary wall. The defendant had claimed that an elder in the locality had told him that the foundation of his boundary wall existed and in order to find out the truth, he prayed for appointment of a Local Commissioner.

The lower Court after hearing both the sides dismissed the

application and rightly so. The trial Court had noted that the defendants were given 27 opportunities to lead their evidence and after the evidence was closed by Court order, the defendant filed the application for appointment of a Local Commissioner to collect evidence for him which could not have been allowed.

I find no infirmity in the order.

The petition is dismissed in *limine*.

(ANITA CHAUDHRY)
JUDGE

December 14, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No