

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

Amit Kumar
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**Civil Revision No. 8768 of 2016
Date of Decision: 9.1.2017**

Ved Prakash

.....Petitioner

Vs.

Saroj Devi and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. G.S.Sandhu Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Present revision petition, at the hands of the plaintiff, is directed against the order dated 4.11.2016 (Annexure P-5) passed by learned trial court, whereby application of the petitioner-plaintiff for appointment of Local Commissioner was declined.

Heard learned counsel for the petitioner.

The only short issue that falls for consideration of this Court is, as to whether the petitioner, being plaintiff, could have easily proved the factum of existence of a tubewell in the suit land by leading his oral as well as documentary evidence or the said fact could have been proved only by appointing a Local Commissioner.

During the course of hearing, when confronted as to why the petitioner-plaintiff could not have proved the factum of existence of a tubewell in the suit land by leading his oral as well as documentary evidence, learned counsel for the petitioner had no answer and rightly so, it being a matter of record. Once the petitioner was not having any difficulty in proving the factum of existence of a tubewell in the suit land by leading his oral as well as

documentary evidence, his application for appointment of Local Commissioner was not maintainable and the same was rightly declined by learned trial court. Further, no prejudice of any kind, whatsoever, has been shown which might have been caused to the petitioner by passing the impugned order. The impugned order has not been found suffering from any jurisdictional error or patent illegality, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction.

It is not even pleaded or argued case on behalf of the petitioner that it would be impossible for the petitioner, being plaintiff, to prove the factum of existence of a tubewell in the suit land by leading his oral as well as documentary evidence. Once it is so, learned trial court was well within its jurisdiction to pass the impugned order which has been found based on sound approach, supported by cogent reasons and the same deserves to be upheld.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

9.1.2017
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No