

(115) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.9102 of 2017

Date of decision: 22.12.2017

Malkiat Rai

.... Petitioner

Versus

Gulzari Ram & Ors.

.... Respondents

BEFORE: HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Deepak Verma, Advocate for the petitioner.

B.S. Walia, J. (Oral)

[1] Challenge is to order dated 17.10.2017 (Annexure P6) whereby the prayer of the petitioner-plaintiff for appointment of Local Commissioner has been dismissed.

[2] In view of the decision of this Court in **Banarsi Dass v. Sunita Rani @ Sarita Rani and others, 2017 (2) Civil CC 533**, wherein it has been held that order refusing to appoint Local Commissioner is not revisable and a Local Commissioner cannot be appointed to gather evidence for either of the parties, instant revision petition is not maintainable.

[3] At this stage, learned counsel for the petitioner states that the order passed by the learned trial Court merely records that the application was dismissed by observing that no ground was made out to appoint Local Commissioner at that stage of the case.

[4] Learned counsel prays that he be permitted to withdraw the revision petition with liberty to move an appropriate application at a later stage before the learned trial Court, in accordance with law if the circumstances of the case so warrant.

[5] Dismissed as withdrawn with liberty as prayed for.

(B.S. Walia)
Judge

22.12.2017
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Note:-

1. Whether the order is speaking/reasoned: Yes/No.
2. Whether the order is reportable : Yes/No.