

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

1. RSA No.2686 of 2015 (O&M)
Date of decision : 18.09.2017

Jeet Ram

...Appellant

Versus

Santra Devi and others

...Respondents

2. RSA No.388 of 2016 (O&M)
Date of decision : 18.09.2017

Dilbagh Singh and others

...Appellants

Versus

Santra Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Kulwant Singh, Advocate for the appellant.
(In RSA No.2686 of 2015)

Mr. S.P. Chahar, Advocate for the appellants
(In RSA No.388 of 2016)

Mr. V.K. Jain, Sr. Advocate with
Mr. Ravi Kadian, Advocate for the Caveator/respondents.

ANIL KSHETARPAL, J. (ORAL)

By this common judgment, I shall be disposing of RSA Nos.2686 of 2015 and 388 of 2016.

During the course of the arguments, it has come to the notice of this Court that the objections filed to the report of the Local Commissioner dated 15.04.2014 Mark E, have not been decided by the trial Court.

The dispute in the present case is whether the defendants-appellants have encroached upon some portion of the land owned by the respondents or not. The controversy can only be decided on the basis of the demarcation report.

Since the objections to the report of the Local Commissioner have not been considered by the Court while deciding the suit, therefore, this Court is of the opinion that the case is required to be remanded back for consideration on the aforesaid objections.

The entire dispute can only be resolved through a proper demarcation and now with the advent of the technology, new machine i.e. Total Station Machine (theodolite) is available. The Court would appoint the competent revenue official to carry out the demarcation with the aforesaid machine and submit its report. Since the suit has been pending for quite sometime, the trial Court would decide the suit as early as possible within a period of six months.

All objections filed by the parties or to be filed by the parties would be considered by the trial Court and the trial Court would re-decide the case on merits, afresh.

Parties are directed to appear before the trial Court on 11.10.2017.

Judgments and decrees passed by the Courts below are set aside.

In view of aforesaid observations, both the appeals are disposed of.

All the pending miscellaneous applications are disposed of, in view of the aforesaid judgment.

18.09.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No