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

**Civil Revision No.1606 of 2017
Date of Decision: 15.11.2018**

SARASWATI

.....Petitioner

Vs

CHANDER SHEKHAR MISHRA & ANR

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Deepender Singh, Advocate
for the petitioner.

Mr. Shiv Kumar, Advocate
for the respondents.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this revision petition against the order dated 22.02.2017 passed by the Civil Judge (Jr. Divn.) Faridabad, whereby application for appointment of Local Commissioner for demarcation of the plot/suit land through an expert by using Total Station Machine was dismissed.

Perusal of the application dated 30.01.2017 would show that twin prayers were made therein. First prayer was in respect of demarcation report already prepared by an Expert with the use of Total Station Machine. Petitioner sought to produce the same in her evidence and also to cross-examine

the expert witness after closure of evidence in affirmative.

The second prayer was in respect of fresh appointment of Local Commissioner by use of Total Station Machine for demarcation of the plot/suit land.

I have considered the submissions made by learned counsel for the parties.

In my considered opinion, the Court is not supposed to collect evidence for the parties.

The second prayer for the appointment of Local Commissioner in the form of Expert for the purposes of conducting demarcation by the use of Total Station Machine is not permissible at this stage. However, in respect of first prayer, the petitioner would be entitled to take recourse to law by summoning the person, who had conducted the demarcation and prepared the report by using Total Station Machine in accordance with law. In the event of filing any such application, the trial Court would see feasibility of granting such prayer. If the prayer is found to be worth acceptance, then the report of such witness would be subject to legal criticism on cross-examination of the Expert.

In view of above, without commenting upon merits of this case at this stage, this petition is disposed of. However, the petitioner may file any such application before the trial Court

and in the event of doing so, the said application shall be decided in accordance with law.

November 15, 2018

Atik

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No