

Civil Revision No.239 of 2018 (O&M)

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

Civil Revision No.239 of 2018 (O&M)
Date of decision: 17.01.2018

Gurcharan Singh through his LR

.....Petitioner

versus

Ajit Singh through his LRs

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Balbir Singh Sewak, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Article 227 of the Constitution of India prayer has been made for setting aside the order of the trial Court dated 22.12.2017.

Learned counsel for the petitioner contends that the trial Court while dismissing the objections of the petitioner-plaintiff vide impugned order dated 22.12.2017 failed to appreciate that when there were two conflicting reports of the same local commissioner, it ought to have permitted the petitioner-plaintiff to cross-examine the said local commissioner before dismissing his objections.

Having given anxious consideration to the submissions made by learned counsel for the petitioner, impugned order dated 22.12.2017 is set aside with a direction to the trial Court to permit the petitioner-plaintiff to cross-examine the local commissioner who has submitted two conflicting reports, upon an application of the petitioner-plaintiff in this respect subject to payment of costs of ₹ 5,000/- to be deposited with the District Legal

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Services Authority, Mohali.

This petition is disposed of without issuing notice to the respondents with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within six weeks from today.

January 17, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.