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

**Civil Revision No.3218 of 2017 (O&M)
Date of Decision: 16.10.2018**

AVTAR SINGH

.....Petitioner

Vs

HARBHAJAN SINGH & ANR

....Respondents

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

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

Mr. Sandeep Sharma, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 18.04.2017 passed by the Civil Judge (Jr. Divn.) Phillaur, whereby application for appointment of Local Commissioner was dismissed.

[2]. Perusal of the record would show that earlier a Local Commissioner was appointed by the trial Court. Local Commissioner submitted his report on 29.11.2011 to which objections were filed by both the parties. Vide order dated 20.07.2015, the trial Court kept the objections in abeyance for decision at a subsequent stage with the parties would lead their

evidence and also to cross-examine the Local Commissioner. Thereafter the trial Court vide order dated 06.03.2017 dismissed the objections.

[3]. It appears that the aforesaid order has not been assailed by the petitioner. Again an application was filed for the appointment of Local Commissioner and the same was dismissed by the trial Court on the ground that forum of the Court cannot be utilized to collect evidence for the petitioner.

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

[5]. In **Harvinder Kaur and another vs. Godha Ram and another, 1979 PLJ 562 DB; M/s Mohinder Kumar Rajinder Parkash Dalmir Singh alias Dalmira and Mangal Singh and another vs. Piara Lal, 1971 PLR 531** and **Pritam Singh and anr. vs. Sunder Lal and Ors., 1990 PLJ 418** the order refusing to appoint Local Commissioner is not revisable as no right of the petitioner has been decided by rejection of the such application. Supervisory jurisdiction of the High Court under Article 227 of the Constitution of India is wide, but the same can only be exercised if substantive right of the petitioner is decided vide the impugned order. Against the rejection of application for appointment of Local Commissioner, the petitioner can still lead substantive evidence.

[6]. In **Tatvadarsha Bandhu Pvt. Ltd., vs. Municipal Corporation, 2015(2) PLJ 349** it was held that the appointment of Local Commissioner cannot be allowed for collecting evidence for a party and supporting its cause. This Court has also taken the aforesaid view while deciding **CR No.7286 of 2016 titled 'Kishori Lal vs. Suresh Kumar and others'** on 02.08.2018 and **CR No.4314 of 2017 titled 'Pritam Singh vs. Bahadur Singh and others'** on 31.07.2017.

[7]. For the reasons recorded hereinabove, I find no error of jurisdiction in the impugned order passed by the trial Court. This revision petition is accordingly dismissed.

October 16s, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No