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

**Civil Revision No.3728 of 2016
Date of Decision:28.08.2018**

M/s Human Base India Inc.

.....Petitioner

Vs

M/s North Star Towers Pvt. Ltd. and anr

....Respondents

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

Present:Mr. Amit Jain, Advocate
for the petitioner.

Mr. Ashish Chopra, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J.

[1]. Petitioner has assailed the order dated 23.02.2016 passed by the Civil Judge (Jr. Divn.) Gurugram whereby prayer for appointment of Local Commissioner for carrying out measurements and demarcation of the properties of the parties was dismissed.

[2]. The prayer for appointment of Local Commissioner was rejected vide the impugned order primarily on the ground that the process of the Court cannot be utilized to collect evidence for the parties.

[3]. In view of **Harvinder Kaur and another vs. Godha Ram and another, 1979 AIR (Punjab) 76**, the revision petition against such an order is not maintainable as the order would be revisable when it determines and adjudicates some substantial right of the parties. Revision petition would lie against the interlocutory order only if, it determines and adjudicates some right of the parties.

[4]. The similar view was adopted in **Mohinder Kumar Rajinder Parkash, Dalmira Singh alias Dalmira and Mangar Singh vs. Piara Lal, 1971 PLR 531**. The view was subsequently followed in **Pritam Singh and anr. vs. Sunder Lal and ors., 1990 PLJ 418**; **Sumer Chand Jain vs. Vishnu Bhagwan Mangla, 2006(2) R.C.R. (Civil) 445**; **Hari Om vs. Minish Kumar, 2005 (2) PLR 690**; **Balbir Kaur vs. Pushpa Widge, 2006(2) R.C.R. (Civil) 318**; **Rajiv Kumar Batra vs. Kashmiri Lal Sika, 2010(6) R.C.R. (Civil) 37** and **Rambir Singh vs. Gram Panchayat, Narhera, 2012(1) PLR 429**.

[5]. By taking note of the aforesaid precedents, this Court also decided Civil Revision No.4919 of 2016 on 12.08.2016 titled **'Kehar Singh vs. Jagdish Chander', 2017(3) PLR 118'** thereby holding that mere rejection of plea to appoint Local Commissioner the trial Court has not decided any substantial

right between the parties and revision petition to that effect is not maintainable.

[6]. In view of above, there cannot be any exception to the aforesaid precedents. This revision petition is found to be totally devoid of merits and the same is accordingly dismissed.

August 28, 2018	(RAJ MOHAN SINGH)
Atik	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No