

In the High Court of Punjab and Haryana at Chandigarh

233/2

CR No. 3671 of 2018 (O&M)

Date of decision: 4.12.2018

HARPAL KAUR

.....petitioner

Versus

SAROJ RANI AND OTHERS

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Aashish Chopra, Advoca,
Mr.Prateek Sodhi, Advocate and
Ms. Sumiti Arya, Advocate
for the petitioner.

Mr.Sushil Bhardwaj, Advocate
for respondent No.1.

Mr.Tarun Dhingra, Advocate
for respondents No.2 and 3.

RAJ MOHAN SINGH, J.(oral)

Petitioner has assailed the order dated 24.4.2018
passed by the Civil Judge (Jr.Divn.) Kurukshetra to a limited
extent.

The grievance of the petitioner was noticed, while
issuing notice of motion on 29.5.2018 and the following order
was passed:-

“In view of **Rajinder & Co. vs. Union of
India & ors, 2003 (1) RCR (Civil) 755**, followed by
this Court in **Harpal Singh vs. Harmohinder Singh
& Ors, 2013 (2) RCR (Civil) 892**, once the trial

Court has exercised its jurisdiction in the context of appointment of Local Commissioner or refusal thereof, the indulgence by the High Court cannot be granted.

Learned counsel for the petitioner submits that he is not challenging the very appointment of Local Commissioner vide the impugned order dated 24.4.2018, however, he wants to clarify the factual position vis-a-vis the directions issued by trial Court, which are palpably wrong and against the record. Wrong factual assessment of facts and plot number has been made, resulting in wrong directions issued to Local Commissioner.

Notice of motion for 27.7.2018.

Till the next date of hearing, the impugned order may not be given effect.”

Perusal of the impugned order would show that the plaintiff has purchased plot No.122 from Santosh Devi on 26.3.2002. Santosh Devi in her turn had purchased the plot from one Ramesh on 3.8.1998. Ramesh was owner of plot No.122 measuring 250 sq. yards. He sold 200.04 sq. yards to Santosh Devi, who, later on sold the same i.e. 200.04 sq.yards to the plaintiff. The aforesaid sale deeds were in respect of

plot bearing No.122. Plaintiff and defendant No.3 had also purchased plot No.123 from Suresh Kumar, who is real brother of Ramesh Kumar vide sale deed dated 19.8.1998 to the extent of 250 sq.yards. Defendant No.3/ petitioner vide the same sale deed had also purchased the area of plot No.122 from Ramesh Kumar to the extent of 50.6 sq. yards.

The aforesaid facts are not in dispute. The grievance of the petitioner is that while giving direction to the Local Commissioner for carrying out demarcation, plot No.122 was exclusively presumed to be that of plaintiff without disclosing the factum of sale deeds in favour of defendant No.3/ petitioner to the extent of 50.6 sq. yards.

In view of aforesaid factual position, order dated 24.4.2018 is clarified and it is directed that the local commissioner would undertake the exercise of demarcating plots No. 122 and 123 in consonance with the title of the parties on the strength of sale deeds.

This revision petition is disposed of accordingly.

December 04, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking
Whether reportable

Yes/No
Yes/No