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

**Civil Revision No.3721 of 2017
Date of Decision: 26.07.2018**

RAMPHAL AND ORS

.....Petitioners

Vs

UMED SINGH AND ORS

.....Respondents

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

Present: Mr. Punit Malik, Advocate
for the petitioners.

Mr. Ram Avtar Sheoran, Advocate
for the respondents.

RAJ MOHAN SINGH, J. (Oral)

Petitioners are in revision against the order dated 07.02.2017 passed by the Civil Judge (Jr. Divn.) Bhiwani vide which application for appointment of Local Commissioner was allowed.

The grievance of the petitioners is that the Local Commissioner cannot be instrumental to collect evidence for the respondents.

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

Once the trial Court has exercised its jurisdiction in the

context of appointment or refusal to appoint Local Commissioner, indulgence by the High Court cannot be granted.

In **Rajinder & Co. vs. Union of India and others, 2003(1) RCR (Civil) 755**, the Hon'ble Apex Court has held that the question whether the report of the Local Commissioner is finally acceptable or not would be decided by the concerned Court, *de hors* the order passed by the authority concerned. The High Court cannot interfere with the order of the trial Court appointing the Local Commissioner for inspection of the site and to file a report. The said judgment was followed by this Court in **Harpal Singh vs. Harmohinder Singh and others, 2013(2) RCR (Civil) 892**.

In the light of aforesaid legal position, there cannot be any interference by this Court in exercise of powers under Article 227 of the Constitution of India. This revision petition is accordingly dismissed.

July 26, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No