

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

CR No.4187 of 2018

Date of Decision : 05.07.2018.

Laxmi Devi

... Petitioner

VERSUS

Ashok Kumar and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Abhimanyu Batra, Advocate
for the petitioner.

B.S.WALIA, J.

1. Challenge is to order dated 31.05.2018 (Annexure P-1), passed by the learned Civil Judge (Junior Division), Hansi, dismissing the application filed by the petitioner-plaintiff for appointment of a local commissioner.

2. The learned trial Court dismissed the application on the ground that it was for the parties to prove their own case by substantiating the claim with cogent and convincing evidence and it was not for the Court to collect evidence on behalf of the parties. Besides it had not been explained by the petitioner-plaintiff as to how the appointment of a local commissioner would help in the proper adjudication of the matter. Moreover, mere claim for appointment of a local commissioner to know the factual position where the same has already been shown by the petitioner-plaintiff in the plaint itself was no ground to allow the application for appointment of a local commissioner.

3. A Division Bench of this Court in Harvinder Kaur and another vs. Godha Ram and another 1989 AIR (Punjab) 76 held that an order during the course of proceedings would be revisable only when it determined or adjudicated some right or obligation of the parties in controversy. Further as per decision of Division Bench of this Court in Pritam Singh and another versus Sunder Lal and others 1990 PLJ 418 an order refusing appointment of a local commissioner does not decide any issue nor adjudicates the right of the parties for the purpose of the suit, therefore, is not revisable.

4. In the light of the aforementioned position, the impugned order does not warrant any interference. Accordingly, the revision petition is dismissed in *limine*.

(B.S.WALIA)
JUDGE

05.07.2018.

rajesh.k.khurana

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No