

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No.5388 of 2016 (O&M)

Date of Decision: December 19, 2018

Manjit Kaur and others

.....Petitioners

versus

Sukhmander Singh and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL**

\*\*\*

Present: Mr.Sherry K.Singla, Advocate, for the petitioners.  
Mr.Sarvesh Malik, Advocate, for the respondents.

-.-

**Amit Rawal, J.** (Oral)

The short point involved in this case is whether in the suit for injunction filed by the petitioners when suit is at the stage of written statement, can defendants seek appointment of Local Commissioner. It is settled law that the person who asserts the right by specific pleadings requires to prove the same in accordance with law. In the absence of discharge the onus, it cannot be said to be shifted. The application filed on behalf of the defendants is totally pre-mature. The impugned order is not sustainable, the same is set-aside and the revision petition is allowed.

**December 19, 2018**

*mohinder*

**(AMIT RAWAL)**

**JUDGE**

**Whether speaking/reasoned**

:

**Yes/No**

**Whether Reportable**

:

**Yes/No**