

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 5417-2016 (O&M)

Date of decision: 05.04.2018

Vijay Pal

.....Petitioner

versus

Brij Pal and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Karan Singh, Advocate for the petitioner
Mr.R.K.Saini, Advocate for respondent nos.1 to 3

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Heard.

Impugned in the present revision is the order dated 6.8.2016, passed by learned Civil Judge (Junior Division), Gurgaon vide which application filed by the plaintiff under Order XXVI Rule 9 CPC 1908 for appointment of Local Commissioner to ascertain the actual affairs of the street (Gali) in dispute was dismissed.

It comes out that the order refusing appointment of Local Commissioner is not a revisable order.

Learned counsel for the petitioner has placed reliance on the authority of this Court in Kishan Dass @ Krishan Dass and another vs. Bhikham Singh, 2016 (3) RCR (Civil) 651. In the said case, the dispute was regarding demarcation. Therefore, the appointment of Local Commissioner was found justified. In the present case, petitioner merely wants to ascertain

the actual affairs of the street (Gali) in dispute. This can be easily done by him by getting the site inspected from the Draftsman, preparation of site plan and producing/proving the same in the Court in accordance with law. There is no ground to interfere in the discretion exercised by the trial Court refusing the appointment of Local Commissioner.

Resultantly, the present revision petition stands dismissed.

Since the main case has been dismissed, therefore, the pending CM, if any, also stands disposed of.

05.04.2018
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No