

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

**CR No.5296 of 2018(O&M)
Date of Decision: 28.08.2018**

Kulwant Singh

..... Petitioner

Versus

Jaswant Singh and another

.....Respondents

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

Present:Mr. Satpreet Grewal Kapila, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner has assailed the order dated 02.07.2018 passed by Civil Judge (Junior Division), Dasuya, vide which application for appointment of Local Commissioner filed by the petitioner was rejected.

[2]. The application was contested by the defendants on the ground that process of the Court cannot be utilized to collect evidence for the parties. Plaintiff can lead his substantive evidence to prove his case, rather to avail process of the Court to collect evidence for him.

[3]. The order rejecting the prayer for appointment of Local

Commissioner does not in any way decide any substantive right of the parties. In such a situation, rejection for appointment of Local Commissioner is not revisable in view of ratio laid down in **Harvinder Kaur and another Vs. Godha Ram and another, 1979 AIR (Punjab) 76, M/s Mohinder Kumar Rajinder Parkash Dalmir Singh @ Dalmira and Mangal Singh and another Vs. Piara Lal, 1971, PLR 431 and Pritam Singh and another Vs. Sunder Lal and others, 1990 PLJ 418.** Such an order does not decide any issue on merits inasmuch as that no substantive right of the parties is adjudicated by such order.

[4]. In view of above, there is no illegality and error of jurisdiction in the impugned order dated 02.07.2018 passed by Civil Judge (Junior Division), Dasuya. This revision petition is accordingly dismissed.

August 28, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No