

116

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

CR No. 5323 of 2018

Date of Decision: 24.08.2018

Darshan Singh

....Petitioner

Vs

Chatinder Singh and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mohd. Yousaf, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

1. Challenge is to the order dated 21.07.2018 passed by Civil Judge (Junior Division), Jalandhar vide which prayer for appointment of Revenue Officer as Local Commissioner was declined.
 2. An application was moved for ascertaining actual and factual position existing on the spot.
 3. It is a settled principle of law that process of the Court cannot be utilized to collect evidence for any of the party.
 4. The impugned order has not decided any substantial right of the petitioner.
 5. It is a settled position that no party can be allowed to take recourse to the process of the Court for collecting evidence.
- The order rejecting prayer for appointment of Local Commissioner is not revisable in view of ratio of law laid down in

Harvinder Kaur and another vs. Godha Ram and another,
1979 AIR (Punjab) 76; M/s Mohinder Kumar Rajinder Parkash
Dalmir Singh alias Dalmira and Mangal Singh and another
vs. Piara Lal, 1971 PLR 531 and Pritam Singh and anr. vs.
Sunder Lal and Ors., 1990 PLJ 418.

6. The order refusing to appoint Local Commissioner does not decide any issue on merit inasmuch as that no right of the either party is adjudicated by such order for the purpose of the suit and, therefore, such order is held to be not revisable. Refusal to appoint Local Commissioner is nothing to do with the rights of the parties. It is squarely covered under the discretion of the Court and in case such discretion is refused, no right of the party is prejudiced, therefore, revision is incompetent against such order.

7. Since no substantial right of the petitioner has been decided vide the impugned order, therefore, indulgence of the High Court in terms of Article 227 of the Constitution of India cannot be granted to the petitioner.

8. This revision petition is found to be totally devoid of merits and the same is accordingly, dismissed.

24.08.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No