

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.5879 of 2016 (O&M)
Date of Decision.30.10.2018

Charanjit Singh

.....Petitioner

Vs

Birinder Singh and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. B.R. Rana, Advocate
for the petitioner.

Mr. Vivek Sharma, Advocate
for respondent Nos.1 and 2.

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AMIT RAWAL J. (ORAL)

The present revision petition is directed against the order dated 06.05.2016 whereby the application moved by the plaintiff for appointment of any other revenue official except Halqa Kanungo has been rejected.

Mr. Rana, learned counsel appearing on behalf of the petitioner submitted that this Court vide order dated 14.08.2015 had directed the trial Court to appoint the Halqa Kanungo as local commissioner for demarcation of khasra No.1569/3 and 1601. He had submitted his report on 3.12.2015 that owing to *abadi* as well as double storey, demarcation could not be done. It is in this circumstances, an application was moved, for, the case of the petitioner-plaintiff is for setting aside the sale deed dated 14.05.2007 executed by defendant No.3 Karnail Singh in favour of Birinder Singh and Prithpal Kaur.

On the contrary, Mr. Vivek Sharma, learned counsel appearing on behalf of the respondents-defendants supported the

impugned order to contend that once Halqa Kanungo could not undertake demarcation, no revenue officer can perform the same and make the report. The plaintiff has to stand on his own legs, for, main contention in the suit is that defendants No.1 and 2 were never given possession by virtue of the sale deed whereas the plaintiff had been in possession and could have proved the same by leading other piece of evidence.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Rana, as the reasoning assigned by the trial Court is perfectly legal and justified and cannot be said to be without jurisdiction. The report dated 03.12.2015 by Halqa Kanungo reflected is that owing to the situation of the area i.e. abadi and double storey, demarcation could not have been done. The Halqa Kanungo was appointed local commissioner as per the order of this Court, therefore, no other revenue official could be appointed as was prayed before the trial Court.

I do not find any reason to interfere with the impugned order as the same is perfectly legal and just. No ground for interference is made out. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

October 30, 2018
Pankaj*

Whether Reasoned/Speaking Yes/No

Whether Reportable Yes/No