

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

Sr. No.122

C.R. No.5760 of 2018

Date of decision: 31.08.2018

Ramandeep Singh

....Petitioner

versus

Jaswinder Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. L.S. Mann, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 30.07.2018 passed by the Civil Judge (Junior Division), Jalandhar (for short – 'the Trial Court') through which an application filed by the petitioner seeking appointment of a Local Commissioner has been dismissed.

After hearing learned counsel for the petitioner and going through the record of the case, the facts in brief which have been culled out are that way back in the year 2012, the petitioner had filed a suit seeking therein declaration to the effect that a complaint filed by respondent No.1 against the petitioner was false, frivolous and politically motivated. An enquiry report dated 30.04.2012 by respondent No.6 was also challenged. Permanent injunction to restrain respondents No.6 to 10 from recovering any amount from the petitioner on the basis of aforesaid report dated 30.04.2012 was also sought.

It is not disputed that after both the parties had led their respective evidence and the matter was listed for final arguments, the

petitioner filed an application seeking appointment of a Local Commissioner to take into possession relevant record of the Panchayat pertaining to the development works done by the petitioner as Sarpanch of the village in question. According to the petitioner, the Local Commissioner should also, after touring the entire village, take stock of all development work done by the petitioner as Sarpanch of the village and then submit a report after comparing the same with the less work said to have been done by him in the enquiry report under challenge.

The above grounds on which the petitioner seeks appointment of a Local Commissioner clearly reveal that a Local Commissioner is being sought to be got appointed by him to first fish out and then collect evidence on the petitioner's behalf which is certainly not the job of a Local Commissioner especially when the Trial Court does not seem it necessary to do so as also when both the parties have already concluded leading their evidence after each of them were admittedly given adequate opportunities.

In view of the above, no error is found in the order of the Trial Court rejecting the petitioner's application.

Dismissed.

(DEEPAK SIBAL)
JUDGE

August 31, 2018
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No