

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

CR No.6059 of 2017
Date of decision : 26.03.2018

Rajinder Singh and others

...Petitioners

Versus

Ravinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harkesh Manuja, Advocate for the petitioners.

Mr. Jitender Singh Kundu, Advocate for respondent No.1.

Mr. Himanshu Rao, Advocate for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

The defendants-petitioners have challenged the order dated 21.08.2017 passed by the learned trial Court appointing the Local Commissioner to visit the spot and prepare a report regarding existing state of affairs.

Learned counsel for the petitioners has pointed out that the plaintiff has also filed a suit for vacant possession with regard to the property in dispute and in that suit, the similar application was moved and the same was ordered to be dismissed by the Court on 07.10.2016. He has submitted that the learned trial Court while passing the order has not considered the effect of the order dated 07.10.2016.

On the other hand, learned counsel for the respondent-plaintiff

has submitted that only a Local Commissioner has been appointed to report about the existing state of affairs.

In the considered opinion of this Court, the trial Court should consider the effect of order dated 07.10.2016 passed by the Court between the same parties with regard to the same property.

In view thereof, the order under challenge is set aside.

Learned trial Court is requested to re-decide the application after taking into consideration the order dated 07.10.2016.

The present revision petition is allowed.

26.03.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No