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

CR No. 611 of 2018

Date of Decision: 15.05.2018

Dilbagh Singh

....Petitioner

Vs

Jaswant Singh and another

.....Respondents

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

Present: Mr. Kanwal Goyal, Advocate,
for the petitioner.

Mr. Bhavesh Aggarwal, Advocate, for
Mr. Akaant Kumar Mittal, Advocate,
for respondent No.1.

RAJ MOHAN SINGH, J.(Oral)

An application under Order 26 Rule 9 CPC was filed
by the defendant on 15.12.2017.

Notice of this application was given to the plaintiff-
petitioner on 15.12.2017 itself and the case was adjourned to
09.01.2018. No reply was filed by the plaintiff-petitioner and the
case was further adjourned to 10.01.2018. On the adjourned
date, the impugned order came to be passed.

In view of **Rajinder & Co. Vs. Union of India and
others, 2003(1) RCR (Civil) 755**, the Hon'ble Apex Court has
held that the question whether the report of the Local

Commissioner is finally acceptable or not would be decided by the concerned Court *de hors* the order passed by the authority concerned. The High Court cannot interfere with the order of the trial Court, appointing the Local Commissioner for inspection of the site and to file a report.

The aforesaid judgment has been followed by this Court in **Harpal Singh Vs. Harmohinder Singh and others, 2013(2) RCR (Civil) 892** and **Civil Revision No.6350 of 2015 titled Bhag Chand vs Ramchander and another**, decided on 06.10.2017.

In the light of aforesaid facts, no indulgence can be granted to the petitioner in this revision petition.

This revision petition is accordingly, dismissed.

15.05.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No