

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

Civil Revision no.6139 of 2018

Date of Decision:13.09.2018

Parveen Lata

.....Petitioner

Vs.

Jujhar Singh and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Pritpal Singh Miglani, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (Oral)

Vide this petition, the petitioner has challenged the order of the learned trial Court by which the petitioners' application *qua* appointment of a local commissioner, has been dismissed. As per the said application the petitioner sought appointment of a local commissioner to determine the age of the building in question as also to ascertain the presence of *dharti pooja samagri* beneath a particular part of the building.

The said application has been dismissed on the ground that as regards the *dharti pooja samagri*, it is a well known fact that *dharti pooja* is (usually) performed before the construction of a building and simply to determine whether any such *samagri* is buried beneath the building, would be pointless; and as regards determination of the age of the building, that was for the petitioner to prove by way of substantive evidence.

Having considered the aforesaid, I find no ground to interfere in the impugned order because what the petitioner wishes to get a local

commissioner appointed for, amounts to actually collecting substantive evidence by the local commissioner, which onus is otherwise upon the petitioner to prove, by way of any municipal record etc., pertaining to the age of the building.

Consequently, this petition is dismissed in *limine*.

(AMOL RATTAN SINGH)
JUDGE

September 13, 2018.

dharamvir

Whether speaking/reasoned	: YES/NO
Whether Reportable	: YES/NO