

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.6252 of 2018(O&M)
Date of Decision: 01.10.2018

Pawittar Singh

.....Petitioner

Versus
Bachan Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. D.K. Sharma, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has preferred this revision petition against the order dated 23.08.2018 passed by Additional District Judge, Jagadhri, vide which application filed by the petitioner for leading additional evidence at appellate stage to demarcate the boundaries between the villages Mandhar and Bal Chhappar in khasra Nos.61/1 and 61/10 of Bal Chhappar and khasra No.56/9 and 12 of village Mandhar was dismissed.

[2]. Perusal of the record would show that the suit for possession filed by the respondent in respect of suit land was decreed against the defendant/petitioner vide judgment and decree dated 15.04.2014 passed by Additional Civil Judge

(Senior Division), Yamuna Nagar at Jagadhri. Against the aforesaid judgment and decree, an appeal was preferred by the defendant/petitioner. Demarcations were conducted at the lower level and it appears from the record that the Local Commissioner was also examined who has also been cross examined by the petitioner.

[3]. Petitioner seeks to get a local Commissioner appointed by moving an application for additional evidence at appellate stage.

[4]. Appointment of Local Commissioner at appellate stage would be of no consequence as the Local Commissioner already appointed by the trial Court had demarcated the suit property in the presence of the parties. On the appreciation of material on record, the trial Court had decreed the suit. The Court at the appellate stage cannot be instrumental in allowing the parties to collect evidence by using process of the Court.

[5]. The order rejecting prayer for appointment of Local Commissioner is not revisable in view of ratio of law laid down in **Harvinder Kaur and another vs. Godha Ram and another, 1979 AIR (Punjab) 76; M/s Mohinder Kumar Rajinder Parkash Dalmir Singh alias Dalmira and Mangal Singh and another vs. Piara Lal, 1971 PLR 531 and Pritam Singh and anr. vs. Sunder Lal and Ors., 1990 PLJ 418.** The order

refusing to appoint Local Commissioner does not decide any substantial right of the petitioner.

[6]. In view of above-cited precedents, I find no justification to interfere in this revision petition. The present revision petition is accordingly dismissed.

October 01, 2018
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No