

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

Civil Revision no.7059 of 2018

Date of Decision:17.10.2018

Radhey Sham

.....Petitioner

Vs.

Jai Bhagwan and others

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Sanjiv Kumar Aggarwal, Advocate
for the petitioner.

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner challenges the order dated 04.10.2018, passed by the learned Civil Judge (Jr.Divn.), Ambala (Annexure P-1), whereby his application for appointment of local commissioner, which even though not objected to by the defendants/respondents, was dismissed.

Learned counsel for the petitioner points to paragraph 2 of the impugned order, wherein it is duly recorded that even the respondents/defendants have not objected to the appointment of a local commissioner.

That being so, even though, on principle, the reasoning given by the learned trial Court would not be incorrect, to the effect that substantive evidence has to be led by the parties which could not be ordered to be obtained by a local commissioner; however, with firstly, the respondents not objecting to the same and secondly, the issue being blockage of drinking water and sewage pipe lines in houses, I do not see

why this petition should not be allowed, such blockage being best determinable by a local commissioner appointed.

Consequently, even without issuing the notice to the respondents, this petition is allowed, with the impugned order set aside and a local commissioner directed to be appointed, as sought by the petitioner.

However, since the petition has been disposed of without issuing notice to the respondents, if the factual position with regard to the respondents/defendants not having objected to the appointment of the local commissioner is incorrect, they would be at liberty to file an appropriate application in this very petition itself.

(AMOL RATTAN SINGH)
JUDGE

October 17, 2018.

dharamvir/dinesh

Whether speaking/reasoned : YES
Whether Reportable : NO