

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.707 of 2018 (O&M)
Date of decision:05.02.2018

Mahesh Chand

... Petitioner

Vs.

Gopal Krishan Sharma @ Gopal Chand and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Jasbir Singh, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner-plaintiff No.1 is aggrieved of the impugned order dated 02.01.2018 (Annexure P-6), whereby, the objections to the report of Local Commissioner, have been dismissed.

Learned counsel for the petitioner submitted that role of the Local Commissioner is not to collect the evidence. The application was primarily based upon the fact that the Local Commissioner had visited the spot on 23.07.2017 after giving the opportunity to both the parties but he had not given the report as per the directions given by the Court. The report of the Local Commissioner was based on conjecture and surmises. He was not required to give his report regarding possession of Ganesh Kumar Sharma, Sham Lal Sharma in paras no.9 and 10. The Court below ought to have considered all these points while dealing with the report of Local Commissioner.

I have heard the learned counsel for the petitioner, appraised the paper book and of the view that the aforementioned objections to the report of Local Commissioner were not maintainable, in view of the law laid down by the Division Bench of this Court in **Balbir Dewan Vs. Naveen Chander AIR 1989 (P&H) 257** as the petitioner would have a right to cross-examine the witnesses with regard to visit of Local Commissioner when he appeared in the witness box or summoned him for such purpose but not in the manner and mode as indicated above.

In view of the aforementioned observations, I not find any illegality and perversity in the order under challenge, much less, the same cannot be said to have been passed with jurisdiction.

Accordingly, while upholding the impugned order, revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

February 05, 2018
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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No