

CR No.7280 of 2018

Date of Decision: 26.10.2018

Gram Panchayat Village Mangli Uchi

.....Petitioner

Versus

Punjab Wakf Board and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBALPresent: Ms. Pratula Sethi, Advocate
for the petitioner.**DEEPAK SIBAL, J. (ORAL)**

The present petition is directed against the order dated 05.10.2018, passed by the Additional District Judge, Ludhiana (for short, the Trial Court), through which an application filed by the petitioner seeking appointment of a Local Commissioner has been dismissed.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that respondent No.1 filed a suit seeking therein to be declared owner of the land detailed and described in the head note of the plaint (for short, the suit property). On being put to notice, the petitioner, who was defendant No.1 in the suit appeared before the Trial Court and filed its written statement disputing the claim set up by respondent No.1. The petitioner further set up a case that the suit property was owned by the Gram Panchayat and thereupon existed a park and a dispensary which was being used for the benefit of the entire villagers. On the dispute between the parties, the Trial Court framed issues on which both parties led their respective evidence. At the fag end of the trial, the petitioner filed an application before the Trial Court seeking appointment of a Local Commissioner to visit the spot and submit a report with regard to the

existing position. Such application was dismissed by the Trial Court leading to the filing of the present petition.

Learned counsel for the petitioner has been heard.

Through the suit preferred by respondent No.1 it claims ownership of the suit property whereas the petitioner claims itself to be its owner. The petitioner/defendant No.1 has further submitted that upon the suit property there exists a park and a dispensary which is being used by the villagers. It is not disputed that both parties have led their respective evidence with regard to their respective claims. That being so, at the fag end of the trial, the application filed by the petitioner seeking appointment of a Local Commissioner to inspect the suit property has rightly been rejected by the Trial Court as it appears that such prayer has been made by the petitioner only with the object of using the Trial Court to adduce evidence on its behalf as also to fill up lacuna which may have been left by the petitioner while leading its evidence before the Trial Court.

Dismissed.

(DEEPAK SIBAL)
JUDGE

26.10.2018
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No