

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

(201)

CR-8167-2016

Date of Decision: October 12, 2018.

Karambir

.... Petitioner

Versus

Sube Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Arvind Bansal, Advocate, for the petitioner.

None for respondents No. 1 & 3.

Mr. Siddharth Sanwaria, DAG, Haryana,
for respondents No. 3 to 6.

SUDIP AHLUWALIA, J (ORAL)

The petitioner happens to be plaintiff in the suit pending in the Court of Ld. Civil Judge (Jr. Division), Kaithal. He filed an application for demarcation of khasra No.110 in the said Court, a copy of which is at Annexure P-4, vide which he had sought a direction from the Halqa Qanungo/Tehsildar, Pundri to demarcate the said property “ in the interest of justice”.

2) A bare reading of the very first line of para 2 of the said application reveals that the same was filed at a stage when the plaintiff's evidence in the suit was in the process of being led. The Ld. Court below rejected the application vide the impugned order dated 09.11.2016 after observing inter alia, “ the Court do (*sic*) not find any good ground for allowing the application as the appointment of the Local Commissioner would be of no help in deciding the controversy involved in suit.” This decision was in the backdrop of objections coming forth from the side of the

defendants in the suit, that the application was actually a device to fish out evidence in support of the plaintiff's claim. This Court has no reason to take a different view of the matter considering that admittedly the stage for evidence had already arrived in the Trial Court, and according to the averments in the application, the plaintiff-petitioner at his own level had first approached the local revenue authorities for the purpose of demarcation and after their reluctance to conduct the same, he sought intervention of the Court under the pretext of securing the demarcation report "in the interest of justice" which is clearly a different way of saying that he wanted to have the evidence collected by using the Court mechanism.

3) No reasons are therefore made out to interfere with the impugned order.

4) Dismissed.

(SUDIP AHLUWALIA)
JUDGE

October 12, 2018

harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No