

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

Civil Revision No.8457 of 2017.
Decided on:-January 25, 2018.

Rakesh Kumar.

.....Petitioner.

Versus

Tilak Raj and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Sarju Puri, Advocate
for the petitioner.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Article 227 of the Constitution of India is for setting aside the impugned order dated 22.09.2017 (Annexure P-1) passed by learned Civil Judge (Junior Division), Garhshankar, whereby the application moved by the respondent No.1 Tilak Raj seeking appointment of Local Commissioner to visit the spot and to report as to whether the railing and gate are lying in Police Post, Binewal or not, has been allowed.

Learned counsel for the petitioner has argued that once the petitioner-plaintiff has specifically admitted the very fact that the railing and iron gate are lying with the police, there is hardly any justification for the civil Court to appoint a local commissioner. He states that under the garb of the application as well as the impugned order, the respondent intends to collect evidence so as to involve the petitioner in some criminal case.

I have heard learned counsel for the petitioner and perused the impugned order dated 22.09.2017 passed by the civil Court.

Record reveals that the local commissioner has been appointed by the civil Court to report as to whether railing and iron gate allegedly recovered by the police from the petitioner are lying in the Police Post Binewal or not. Thus, this Court finds that there is no illegality in the impugned order dated 22.09.2017 passed by the civil Court as the visit of the local commission is restricted only to the extent that he shall submit a report regarding availability of the railing and iron gate in the Police Post, Binewal and he is not required to submit the report regarding the source of recovery.

The present petition is, accordingly, disposed of.

January 25, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No