

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

CR No.51 of 2019 (O&M)
Date of decision: 09.01.2019

Jagdish and others

..... Petitioners

Versus

Suraj Bhan and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Abhinav Sud, Advocate, for
Mr. Vikram Singh, Advocate
for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

The discretion exercised by the trial Court while appointing a revenue official as a Local Commissioner to visit the disputed site and report about its status is being assailed through the present revision petition. The dispute is with regard to location and existence of a well. Learned trial Court after finding that such investigation by the Local Commissioner shall be necessary, ordered appointment thereof. A revenue official was appointed to demarcate the alleged well located in Rect. No.69 Khasra No.26.

Learned counsel for the petitioners has submitted that the application for appointment of Local Commissioner was filed along with the suit but never pressed for a period of almost 5 years. He has further submitted that the evidence of the plaintiffs was closed and thereafter, the application was pressed.

No doubt, learned trial Court has noticed both these aspects and dealt with the same. However, the Court has found that for adjudication of the case, a local investigation shall be necessary.

Learned counsel for the petitioners was called upon to explain what prejudice the petitioners would suffer who are defendants in the suit. He submitted that by appointing a Local Commissioner, the evidence is sought to be collected on behalf of the plaintiffs.

This Court has considered the submission. This argument can be raised in every case where Local Commissioner is appointed. It is basically the discretion of the Court which has to exercise the discretion in accordance with law. In the present case, learned trial Court after appreciating the facts and the dispute involved thought it proper to appoint a revenue official to demarcate after visiting the spot.

Keeping in view the aforesaid facts, this Court does not find any good ground to interfere.

Revision petition is dismissed.

09.01.2019
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No