

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 118

CR-320-2019

Date of decision : 17.01.2019

Sanjay and another

..... Petitioners

VERSUS

Rajpal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S. S. Ghangas, Advocate, for the petitioners.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 17.09.2018, passed by the Civil Judge (Junior Division), Panipat (for short, the Trial Court), dismissing the application filed by the petitioners for appointment of a revenue official as a Local Commissioner.

Learned counsel for the petitioners has been heard.

A perusal of the record reveals that on an earlier occasion the petitioner had filed a similar application for appointment of a Local Commissioner which was dismissed by the Trial Court on 07.10.2016 on the ground that in a connected matter demarcation of the suit property had been ordered and a revenue official, after inspecting the suit property had opined that due to the existing buildings and super structures, which included an over-bridge, demarcation of the suit property was not possible. The other ground on which the earlier application was dismissed was that such application had been moved at a belated stage when the suit was fixed for evidence of the petitioners/plaintiffs. Since the petitioners did not challenge the aforesaid order dated 07.10.2016, the same attained finality.

In view of the above, the same prayer made by the petitioners again cannot be accepted especially when the stage of the suit at present is for final arguments after both parties have led their respective evidence and that nothing has been brought forth by the petitioners to show that in view of the existing structures on the suit property demarcation of the same is even possible as also for the reason that in the facts of the present case the Court cannot be used for collecting evidence on behalf of the petitioners.

Dismissed.

17.01.2019
shamsher

[DEEPAK SIBAL]
JUDGE

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