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

**Civil Revision No.366 of 2019
Date of Decision: 18.01.2019**

**SARWAN RAM NOW DECEASED THR LRS
.....Petitioners**

Vs

KULWINDER SINGH AND ORSRespondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Sandeep Kumar, Advocate
for the petitioners.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioners are aggrieved of the order dated 18.12.2018 passed by the Civil Judge (Jr. Divn.) Garshankar vide which a new Local Commissioner has been appointed to submit his report regarding mode of partition at the spot.

[2]. In the circumstances of the case, new Local Commissioner has been appointed as the entitlement of the plaintiff to the extent of 1 Kanal of land out of the suit property was not appropriately considered. Previous Local Commissioner did not comply with the rules and owing to his inaction, a new Local Commissioner has been appointed. In essence, the present revision petition has been preferred against the appointment of new Local Commissioner.

[3]. Evidently, no substantial right of the petitioners has been decided by the trial Court by appointing the Local Commissioner, who will look into the entitlement of the parties and would prepare his report after visiting the spot.

[4]. In **Rajinder & Co. vs. Union of India and others, 2003(1) R.C.R. (Civil) 755**, the Hon'ble Apex Court has held that the question whether report of Local Commissioner is finally acceptable or not would be decided by the concerned Court at the relevant stage. The High Court cannot interfere with the order of the trial Court even in case of appointment of Local Commissioner for inspection of the site and to file report in pursuance thereof. The aforesaid view was followed by this Court in **Harpal Singh vs. Harmohinder Singh and others, 2013(2) R.C.R. (Civil) 892** and even in **CR No.6350 of 2016** titled '**Bhag Singh vs. Ramchander and another**', decided on 06.10.2017 .

[5]. For the reasons recorded hereinabove, I find there is no error of jurisdiction in the impugned order passed by the trial Court. This revision petition is found to devoid of merits and is accordingly dismissed.

January 18, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No