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

CR No. 7597 of 2016

Date of Decision: 02.05.2019

Gurdial Singh and another

-Petitioners

Vs

Piara Singh (now deceased) through LRs and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ishan Gupta, Advocate,
for the petitioners.
Mr. S.S. Salar, Advocate,
for respondents No.1 (i) and (ii).

RAJ MOHAN SINGH, J. (ORAL)

1. Petitioners have assailed the order dated 28.09.2016 passed by District Judge, Sangrur vide which the application filed by the petitioners to lead additional, oral and documentary evidence and also to rebut the report of Local Commissioner by producing additional evidence was dismissed.

2. Local Commissioner was appointed by the lower Appellate Court vide order dated 13.05.2016. Tehsildar was appointed as Local Commissioner to demarcate Khasra No.372 and to report regarding existence of residential house as well as electric motor in the property after giving notice to the opposite party.

3. Order dated 13.05.2016 passed by the District Judge

has already attained finality.

4. Local Commissioner has also submitted his report. At the instance of the petitioners, the local Commissioner was summoned by the lower Appellate Court for cross-examination. The local Commissioner was cross-examined at length by learned counsel for the petitioners on 16.09.2016 and thereafter, present application came to be filed in respect of an evidence which could have been led by the petitioners before the trial Court.

5. Faced with the difficulty, learned counsel for the petitioners has confined his prayer only to the extent of getting objections against the report of local Commissioner decided by the lower Appellate Court.

6. To this extent, the prayer has not been opposed by learned counsel for respondent No.1 (i) and (ii).

7. If objections against the report of local Commissioner are pending, the lower Appellate Court shall decide the same in accordance with law.

8. Disposed of.

02.05.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No