

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

**CR No.616 of 2019 (O&M)
Date of Decision:29.01.2019**

Mohinder Singh and another

...Petitioner(s)

Versus

Varinder Kumar and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Harsh Aggarwal, Advocate for the petitioners.

ANIL KSHETARPAL, J. (Oral)

The plaintiffs are in the revision petition against the order passed by the learned trial court, refusing to appoint a local commissioner to demarcate the property in dispute.

It has been held by Division Benches of this Court in *Harvinder Kaur and another Vs. Godharam and another, 1979 PLJ 562* and *Pritam Singh and others Vs. Sunder Lal and others, 1990 (2) PLR 191* that the revision petition against the order passed by the learned trial court, dismissing the application for appointment of local commissioner, is not maintainable.

Learned counsel for the plaintiffs-petitioners contends that the plaintiffs have already got the property demarcated and report has been produced, which is being disputed by the defendants. Hence, he submits that in these facts, it is necessary for the court to appoint a local commissioner-revenue official.

Once demarcation report has already been produced by the plaintiffs, which they will have to prove in accordance with law, at this stage, there is no necessity of fresh demarcation. However, if at any

subsequent stage, the court finds any difficulty in arriving at a conclusion,
the learned trial court would be free to consider such request.

Disposed of.

29.01.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No