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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2922-2019 (O&M)
Date of decision : 6.5.2019

Kashmir Singh and others	 Petitioners
Versus	
Shangara Singh through his LRs	 Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. V.K. Sandhir, Advocate for the petitioners.

KULDIP SINGH, J.

Heard.

Impugned in the present revision petition is the order dated 20.3.2019, passed by learned Civil Judge (Junior Division), Amritsar vide which an application under Order XXVI Rule 9 read with Section 151 of the Code of Civil Procedure for appointment of local commissioner was dismissed.

It comes out that the plaintiffs-petitioners are seeking possession of the suit property. They are also seeking permanent injunction seeking injunction directing the defendants to remove the encroachment from the suit property. Plaintiffs-petitioners have already led the evidence.

Learned counsel for the petitioners admits that petitioners have already filed the demarcation report with the trial Court and the same has been duly proved. Now the defendants during their evidence claimed that it is between the '*lal lakir*', therefore the appointment of local commissioner is necessary.

I am of the view that since demarcation report has been filed and proved by the plaintiffs-petitioners, there is no need to appoint another local commissioner. The application is superfluous and was rightly dismissed by the trial Court.

Therefore, no ground is made out to interfere in the impugned order dated 20.3.2019, passed by learned Civil Judge (Junior Division), Amritsar. However, plaintiffs-petitioners are at liberty to lead evidence in rebuttal if there are some issues and in such rebuttal they can move fresh application for appointment of local commissioner.

Petition is accordingly dismissed.

(KULDIP SINGH)
JUDGE

6.5.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No