

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

C.R. No.3770 of 2019

Date of Decision.31.05.2019

Mehma Singh

...Petitioner

Vs

Mohan Lal and others

..Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Impinder Singh Dahliwal, Advocate
for the petitioner.

-:-

AMIT RAWAL J. (ORAL)

The present revision petition is directed against the impugned order whereby application for appointment of local commissioner in the suit filed by the petitioner-plaintiff claiming declaration by challenging the sale deed dated 30.10.2018 in respect of land measuring 59 kanals 1 marla and its bifurcation detailed in the suit along with permanent injunction seeking restraint from interfering into the peaceful possession and forcible dispossession, has been dismissed.

The respondents in the aforementioned suit instead of filing written statement, filed application under Order 7 Rule 11 CPC.

The petitioner had moved application for appointment of the local commissioner to inspect the spot regarding possession, which has been dismissed.

Learned counsel for the petitioner submitted that the impugned order was not sustainable for the reasons that appointment of local commissioner was to facilitate the adjudication of suit in an effective manner. Even evidence on pleading as such was not led. In

the alternative, also prayed for expeditious disposal of the application under Order 7 Rule 11 CPC.

I am afraid aforementioned argument would not be sustainable, as the petitioner-plaintiff cannot be allowed to collect evidence under the garb of appointment of local commissioner. Even the prayer of the petitioner for adjudication of application under Order 7 Rule 11 CPC cannot also be entertained in the absence of zimni orders.

I do not find any illegality and infirmity in the order under challenge. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

May 31, 2019
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No