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

CR No. 4210 of 2019
Date of Decision: 10.07.2019

Tarsem Singh

-Petitioner

Vs

Paramjit Kaur and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gurmeet Singh Saini, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

1. Petitioner has challenged the order dated 22.05.2019 passed by Civil Judge (Junior Division), Ferozepur vide which application under Order 26 Rule 9 CPC has been declined.
2. Two of the plaintiffs evidence have already been examined. The claim of the plaintiffs is with regard to the passage which has been denied by the defendant.
3. The Court cannot be instrumental in collecting evidence for any of the parties.
4. Even the order declining prayer for appointment of Local Commissioner is not revisable in view of **Harvinder Kaur and another vs Godha Ram and another, 1979 PLJ 562 DB, M/s Mohinder Kumar Rajinder Parkash Dalmir Singh alias**

Dalmira and Mangal Singh and another vs. Piara Lal, 1971

PLR 531 and Pritam Singh and anr. vs. Sunder Lal and Ors.,

1990 PLJ 418.

5. No substantial right of the petitioner has been decided by the Court by declining the prayer for appointment of local Commissioner.

6. Since the case is pending for defendant-petitioner evidence, petitioner may lead his substantive evidence to prove his case.

7. No indulgence can be granted in favour of the petitioner.

8. Dismissed.

10.07.2019

Jyoti Yadav

**(RAJ MOHAN SINGH)
JUDGE**

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