

125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.5590 of 2019

Date of Decision:09.09.2019

HARDIP SINGH

...Petitioner

Versus

GRAM PANCHAYAT AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sukhdev S. Kanwal, Advocate
for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 10.05.2019 passed by the Civil Judge (Junior Division), Dasuya (for short-the Trial Court) rejecting the petitioner's prayer for appointment of a Revenue Official as a Local Commissioner to inspect and demarcate the suit property.

After hearing the learned counsel for the petitioner and perusing the record of this case, it is revealed that the petitioner along with his co-plaintiffs filed a suit seeking therein issuance of a direction to respondents No.1 and 2 to remove a wall which allegedly had been illegally constructed by them on a street. Two demarcation reports dated 30.11.2003 and 03.08.2006 which are both by a Revenue Official, are found to have been produced by the petitioner/plaintiffs whereas one demarcation report dated 11.06.2017 which is also by a revenue official, has been produced by

respondents No.1 and 2/defendants.

Once, the aforesaid demarcation reports by Revenue Officials, produced by either side are already on the record of the Trial Court, there is no reason to again appoint a Revenue Official to conduct a fresh demarcation especially when both parties are yet to lead their evidence through which they would have the right to prove their respective claims.

Dismissed.

September 09, 2019

(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned: Yes/No Whether Reportable: Yes/No

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