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

**Civil Revision No.7445 of 2019 (O&M)
Date of Decision: 22.11.2019**

Bijender

.....Petitioner

Vs

Ajab Singh and others

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sunny Tyagi, Advocate for
Mr. Vikrant Hooda, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner has challenged the order dated 25.09.2019 passed by the Civil Judge (Junior Division) Bahadurgarh, dismissing the application for appointment of local Commissioner at the instance of the petitioner.

[2]. Plaintiff/petitioner filed a suit for declaration, mandatory as well as permanent injunction on the ground that the plaintiff is owner in possession of Plot No.1545 purchased by him from its true owner. Boundaries of the plot of the plaintiff as well as defendants are separate, but the defendants have depicted the boundary of Plot No.1540 viz-a-viz. some overlapping feature

for which the plaintiff thought it necessary to ascertain the actual and factual position at the spot with the help of demarcation to be conducted by a local Commissioner. Precisely for the aforesaid reason, the plaintiff moved an application for appointment of local Commissioner.

[3]. The application has been contested by the respondents alleging that the plaintiff is neither owner, nor in possession of the property in question. Local Commissioner cannot be appointed for collecting evidence for the plaintiff.

[4]. After appreciating the factual position, the trial Court dismissed the application for appointment of local Commissioner vide the impugned order.

[5]. Plaintiff has pleaded himself to be owner in possession of Plot No.1545 by giving definite dimensions/descriptions in the plaint. Plaintiff has to lead evidence in consonance with the foundation set up by him in the plaint. For the violation, if any, allegedly done by the defendants, the plaintiff has to stand on his own legs.

[6]. The case law cited by learned counsel i.e. **Balwinder Singh and another vs. Dilbag Singh and others, 2019(1) R.C.R. (Civil) 533** is not applicable in the present case in view of factual details involved in that case, rather in view of ratio of

Harvinder Kaur and another vs. Godha Ram and another, 1979 PLJ 562 DB; M/s Mohinder Kumar Rajinder Parkash Dalmir 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 it is a settled principle of law that no substantial right of the plaintiff has been decided by refusing appointment of local Commissioner. The revision petition is not maintainable.

[7]. For the reasons mentioned hereinabove, there is no scope to interfere in this revision petition. This revision petition is accordingly dismissed.

November 22, 2019

Atik

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No