

**Civil Revision No. 4638 of 2019**  
**Date of Decision: 17.2.2020**

**Rupesh Kumar**

**---Petitioner**

**versus**

**Sudhir Kumar and another**

**---Respondents**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

**Present:** Ms. Manpreet Kaur. Advocate  
for Mr. Nipun Vashist, Advocate  
for the petitioner

**\*\*\***

**Rekha Mittal, J.**

Challenge in the present petition has been directed against order dated 3.5.2019 passed by the Civil Judge (Junior Division), Rewari whereby application under Order 26 Rule 9 of the Code of Civil Procedure, 1908 (in short “the Code”) for appointment of local commissioner, has been dismissed primarily on the ground that as in the present case the question of ownership and possession needs determination, local commissioner can not be appointed to collect evidence for a litigant.

I have gone through the order passed by the trial court but find no reason to interfere in the same, in exercise of extraordinary jurisdiction under Article 227 of the Constitution of India.

For the foregoing reasons, finding no merit, the petition fails and is accordingly dismissed in limine. However, if in future while appreciating evidence led by the parties, the court feels necessity of some enquiry to be made by the local commissioner, the impugned order would not stand in its way to take that decision, by invoking the provisions of Order 26 Rule 9 of the Code.

**(Rekha Mittal)**  
**Judge**

**17.2.2020**

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No