

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 107 of 2021

Date of Decision: January 22, 2021

Joginder Singh

.....Petitioner

versus

Manpreet Kaur Kohli and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Harneet Singh Oberoi, Advocate with
 Mr. Nishad Ahuja, Advocate
 for the petitioner

Sudhir Mittal, J. (Oral)

The petitioner is the defendant in a suit filed by his daughter-in-law Manpreet Kaur Kohli. She has sought an injunction against the petitioner and other members of the family restraining them from interfering in her peaceful possession over property bearing No. 78-A, Sidhu Colony, Patiala.

The petitioner filed an application under Order 26 Rule 9 CPC for appointment of Local Commissioner but the same has been rejected vide impugned order dated 19.10.2020 on the ground that factum of possession is a matter of evidence and parties have to prove the same. The Court cannot be asked to collect evidence for the parties.

Learned counsel for the petitioner has submitted that there is no property No. 78-A. There is only one property which is House No. 78, Sidhu Colony, Bhadson Road, Patiala and the plaintiff is also residing in the said house. Thus, the trial Court was in error in rejecting the application as the Local Commissioner was only required to determine this aspect.

Whether a property bearing No. '78-A' is in existence or not can also be established through the record available with the local authority. The trial Court

was justified in holding that the Court cannot be asked to collect evidence for the parties. Thus, in case the petitioner has not placed on record any evidence regarding the existence of property No. 78 only, he shall have liberty to do the same within two weeks from today. He may also place any other evidence in support of his case that property No. '78-A' is not in existence.

With the aforementioned observations, the revision petition is dismissed.

January 22, 2021

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No