

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

Sr. No.114

**Civil Revision No.148 of 2021
DATE OF DECISION: January 29, 2021**

SWARAN SINGH AND OTHERS

..PETITIONERS

VERSUS

CHAMAN LAL AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Dheeraj Mahajan, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

The petitioners are the plaintiffs. They have filed a suit for permanent injunction restraining the defendant from creating obstructions in the public passage/street which is 25 feet wide and is part of Khasra No.86. Their grievance is that their application under Order 26 Rule 9 CPC for appointment of a Local Commissioner has been rejected by the trial Court vide order dated 22.01.2021.

Learned counsel for the petitioners has argued that through the application filed under Order 26 Rule 9 CPC, the petitioners/plaintiffs had sought a direction from the trial Court to appoint a Local Commissioner to report the actual and factual position of the suit property. Thus, the trial Court has erred in rejecting the same.

A perusal of the impugned order shows that the application has been rejected on the ground that construction is being raised in Khasra Nos.120R & 121R which are to the south of the property in dispute as is

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evident from the site plan annexed as Annexure P-6. Thus, appointment of a Local Commissioner would serve no purpose as a Local Commissioner cannot determine the khasra number in which the alleged construction is being raised unless and until the property is demarcated. No request for demarcation has been made by the petitioners/plaintiffs and thus, there is no illegality in the impugned order.

The revision petition has no merit and is dismissed.

January 29, 2021
Ankur

(SUDHIR MITTAL)
JUDGE

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