

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

CR-676-2021 (O&M)

Date of decision: 15.11.2021

Tej Ram

...Petitioner

Versus

Mange Ram

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Rajesh Arora , Advocate for the petitioner

Mr. Gaurav Tyagi, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

The defendant assails the correctness of an interlocutory order dated 23.01.2020, passed by the Civil Judge, Junior Division, Gurugram. The suit is still pending before the court. The petitioner alleges that in order to conduct local investigation the Presiding Judge vide an order dated 09.10.2017 and 13.12.2017 appointed a Local Commissioner. He submits that inspite of the directions the plaintiff did not deposit the costs of DGPS machine to permit the Local Commissioner nominated by the court to carry out the demarcation. He further contends that the plaintiff has procured a report from Sh. Surinder Bhardwaj, who was never nominated by the court.

In the considered view of this Court, these aspects can be examined by the court while deciding the suit when the court would have the benefit of the record and other material. If the person, not nominated as a Local Commissioner, has carried out demarcation, its evidentiary value shall be examined by the court at an appropriate stage.

With these observations, the revision petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

15.11.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE