

Sr. No. 119

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2308-2021 (O&M)

Date of decision: 11.10.2021

Amarjit Singh and others

...Petitioners

Versus

Mohinder Singh

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Simrandeep S. Sandhu, Advocate
for the petitioners.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for setting aside the impugned order dated 04.03.2020 (Annexure P-1) vide which the application for appointment of expert under Section 14-A of Specific Relief Act, 1963 has been dismissed by the learned Civil Judge (Senior Division) Mansa.

I have heard learned counsel for the petitioners and gone through the case file. I am in agreement with the cogent reasons given in the impugned order, relevant whereof is as below :-

“.....the applicant wants the revenue expert be appointed as LC to demarcate about the passage at the spot. It is pertinent to mention here that the plaintiff has filed this suit for restraining defendants from encroaching upon the passage abutting to Railway Line while the defendant contended that there is a kacha passage near the railway line which was earlier encroached by the plaintiffs. The LC in this case was appointed who furnished his detailed report. Thus virtually there is no need for appointing the LC as the area abutting to Railway line being used as passage has been admitted by the parties. No doubt there are two reports of both the parties qua the demarcation but the said fact does not make it incumbent on the court to appoint LC especially at this stage for the case is on evidence stage and it is virtually not possible to comment upon the evidencary value of said Lcs. Finding no merits in the present application, same stands dismissed.....”

In the premise, no grounds to interfere are made out. Instant civil revision is dismissed, However, liberty is given to the petitioners to seek

appointment of Local Commissioner at appropriate stage during pendency of the trial, if so advised, and if the Court below deems it appropriate to appoint one.

11.10.2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/ No
Whether reportable:	Yes/No

