

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

ASHOK KUMAR
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CR-2556-2021 (O&M)

Date of decision: 02.11.2021

BHINDER SINGH AND ANOTHER

..Petitioners

Versus

RAJ PAL SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Puneet Singla, Advocate for the petitioners.

ANIL KSHETARPAL, J (Oral)

This revision petition has been filed under Article 227 of the Constitution of India by the defendants.

Their application for permission to lead additional evidence has been partly allowed. The petitioners have also challenged yet another order refusing to appoint Local Commissioner for taking measurement of the entire property in dispute.

Learned trial Court, after appreciating the material on record, has permitted the petitioners to produce DW5 for his cross examination. However, the trial Court has not permitted the petitioners to re-examine the Draftsman.

Learned counsel representing the petitioners contends that the petitioners wish to lead further evidence to prove a total area in dispute.

It has been noticed that defendants have already been given sufficient opportunity. The suit is pending for the last 5 years. The defendants

have already led their evidence. Hence, no ground to interfere with the discretion exercised by the trial Court is made out.

As regards the challenge to the order passed by the trial Court while refusing to appoint Local Commissioner, the revision petition itself is not maintainable in view of the judgment passed by two Division Benches taking a similar view in '**Rajender Prasad vs. Santosh Kumar and others**' **1979 PLJ 562** and '**Malkiat Singh vs. Narinder Singh and another**' **1990(2) PLR 191**.

Disposed of.

All the pending miscellaneous application(s), if any, are also disposed of.

02.11.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE