

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

CR-2635-2021 (O&M)

Date of decision: 08.11.2021

Kulwinder Singh and another

...Petitioners

Versus

Gurbaksh Singh @ Bhura

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Saurabh Kaushik, Advocate for the petitioners

ANIL KSHETARPAL, J (Oral)

The petitioners assail the correctness of the order passed by the Civil Judge, Senior Division, passed on 12.02.2020, whereby the application filed under Order 26 Rule 9 of the Civil Procedure Code, 1908, for appointment of the Local Commissioner, to demarcate the suit land, has been dismissed. Two different Division Benches of this Court in **Rajender Prasad vs. Santosh Kumar and others'** 1979 PLJ 562 and **'Malkiat Singh vs. Narinder Singh and another'** 1990 (2) PLR 191 have already opined that such order is not open to be challenged in a revision petition. While filing the appeal against the main judgment, the petitioners have a remedy of challenging the order in accordance with Order 43 Rule 1-A of the Civil Procedure Code, 1908.

Disposed of.

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

08.11.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)
JUDGE**