

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

201

**CR-7466-2018
Date of Order: 21.03.2022**

SMT. SUSHIL PAHWA

..Petitioner

Versus

PARAMJEET KAUR AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vivek Thakur, Advocate
for the petitioner.

Mr. Vikash Garg, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

The petitioner is the plaintiff before the trial Court. A suit for grant of decree of declaration to the effect that the plaintiff is exclusive owner in possession of property measuring 400 square yards, is pending. The plaintiff claims that he has purchased the property through a registered sale deed from the owners. The defendants contested the suit while asserting that they are owners in possession of the property on the strength of a sale deed executed by defendant No.4. During the pendency of the suit, defendant's application for the appointment of a local commissioner was dismissed. The defendants thereafter filed an application for permission to produce and prove the demarcation report by way of additional evidence. The trial Court in the facts and circumstances of the present case, allowed the application. A counter opportunity has also been given to the plaintiff.

The learned counsel representing the petitioner contends that after dismissal of the application for appointment of local commissioner vide order dated 05.09.2018, the trial Court committed a manifest error in allowing the application.

Per contra, the learned counsel representing the respondent contends that in order to lead definite evidence to prove the location of the plots purchased by both the parties, the Court has exercised the power.

The Courts have been set up to do substantive justice between the parties. In order to help the Court to do the substantive justice, the Courts have been conferred enabling powers to permit the parties to lead evidence. In the considered view of the Court, the dismissal of previous application for appointment of local commissioner will not debar the Court from permitting the defendants to produce and prove the demarcation report which is ultimately going to help the Court in adjudication of the matter.

As already noticed, the trial Court has granted opportunity to the plaintiff to lead evidence in order to rebut the defendant's evidence.

With all these observations, the present petition is disposed of.

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

March 21st, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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