

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

111

CR-1089-2019

Date of Order:23.03.2022

SARDARA SINGH

..Petitioner

Versus

BALWINDER SINGH AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Khushbir K. Bhullar, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The petitioner is a plaintiff. He filed a suit for grant of decree of permanent injunction while restraining the defendants from interfering in his possession or causing any obstruction in the construction work. The defendants claim that the plaintiff is not in possession and in fact, the possession is with defendant No.1's wife. In order to ascertain the factual position, the Court has appointed a local commissioner and called for his report. The petitioner complains that the order has been passed by the Court at a belated stage. Order 26 Rule 9 of the CPC enable the Court to get the matter investigated by a commissioner so as to ascertain the factual position.

The learned trial Court in exercise of its discretionary power, has considered it appropriate to nominate a local commissioner in this regard.

Hence, no ground to interference in the exercise of extra ordinary jurisdiction under Article 227 is made out.

Dismissed.

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

March 23rd, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No