

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

CR No.873 of 2022

Date of Decision: 14.03.2022

Jasbir

.....Revisionist-petitioner.

Versus

Neeraj and another

.....Respondents.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. G.C. Shahpuri, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.

The revisionist-petitioner (defendant No.1 in the civil suit) has preferred this petition to assail the order dated 22.02.2022 passed by learned Civil Judge (Senior Division), Yamuna Nagar at Jagadhri (for short, 'the trial Court') whereby the application moved by him for the appointment of Local Commissioner for carrying out the demarcation of the suit property has been dismissed.

I have heard learned counsel for the petitioner in the instant petition and have also perused the file carefully.

Learned counsel for the petitioner contends that respondent No.1-plaintiff has filed the Civil Suit on the basis of the alleged demarcation report dated 04.06.2017, while averring that the petitioner and

proforma respondent No.2 have encroached upon some part of his land whereas he (petitioner) and respondent-defendant No.2 have also got the land demarcated with the laser machine and the report shows that it is respondent No.1-plaintiff who has encroached upon their land and thus, both these reports are contradictory to each other and therefore, the appointment of the Local Commissioner for carrying out the demarcation is necessary to facilitate the trial Court to arrive at a just and proper conclusion in the said Civil Suit.

However, a bare perusal of the impugned order shows that both the parties have already got their land demarcated and the proceedings in the Civil Suit have reached the final stage as the same stands adjourned for leading rebuttal evidence. Even otherwise, the Division Bench of this Court has categorically observed in **Pritam Singh and another Versus Sunder Lal and others, 1990 PLJ 418** “that the order refusing to appoint a Local Commissioner does not decide any issue, nor adjudicates rights of the parties for the purpose of the suit and is, therefore, not revisable”.

As a sequel to the fore-going discussion, it follows that the revision petition in hand deserves dismissal. Resultantly, the same stands dismissed accordingly.

March 14, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*