

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

CR No.860 of 2022

Date of Decision: 11.03.2022

Harpal Kaur

.....Revisionist-petitioner.

Versus

Mangat Singh and others

.....Respondents.

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

Present:- Mr. Lalit Kumar, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.

The petitioner (plaintiff before the trial Court) herein assails the order dated 11.02.2022 (Annexure P-7) passed by the Civil Judge (Junior Division), Tohana (for short, 'the trial Court') whereby the application moved by her under Order 26 Rule 9 read with Section 151 CPC for seeking appointment of the Local Commissioner, has been dismissed.

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

Learned counsel for the petitioner contends that the petitioner is the owner and is in possession over the suit property and the report of the Local Commissioner would depict the actual position prevailing at the spot but vide the impugned order, the trial Court has erroneously dismissed her (petitioner's) application moved for this purpose.

The petitioner has filed the Civil Suit against the respondents for seeking a decree for declaration to the effect that she is owner in possession of the suit property and has also prayed for grant of injunction to restrain the respondents-defendants from interfering in her possession over it and from dispossessing her from the same. She moved an application before the trial Court with a prayer to appoint the Local Commissioner which has been dismissed vide the impugned order.

It is entirely for the petitioner to adduce evidence to substantiate her claim in the Civil Suit. It is well-settled that the Local Commissioner cannot be appointed to collect evidence for any of the parties and that too, for the purpose of ascertaining the factum of ownership as well as possession over the property in dispute. To add to it, this petition is not maintainable in view of the observations made by the Division Bench of this Court in **Pritam Singh and another Versus Sunder Lal and others, 1990 PLJ 418** to the effect “*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*”.

Resultantly, the revision-petition in hand, being *sans* any merit, stands dismissed.

March 11, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>