

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

**Civil Revision No.893 of 2022 (O&M)
Date of Decision: 14th March, 2022.**

M/s Jimmy Resorts Pvt. Limited

...Petitioner

Versus

Gobind Singh & Others

...Respondents

(Heard through Video-Conferencing)

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

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

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MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the order dated 22.12.2021 (Annexure P-9) passed by the Civil Judge (Junior Division) Ludhiana (for short 'the trial Court'), whereby the application moved by the revisionist-petitioner (the plaintiff in the Civil Suit) under Section 151 CPC for seeking permission to lead the additional evidence by way of appointment of the Tehsildar for the demarcation of the property in dispute, has been dismissed, he has chosen to prefer the present revision petition.

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

Learned counsel for the revisionist-petitioner contends that the defendants have agreed for the demarcation of the said property and the additional evidence, by way of the report of the Tehsildar in respect of its demarcation, would facilitate the just and proper adjudication of the Civil

Suit but the trial Court has wrongly dismissed application Annexure P-8 vide the impugned order.

However, this Court does not find any merit in the afore-raised contention because Annexure P-3 is the copy of the application moved by the petitioner earlier for seeking the appointment of Tehsildar, Kanungo or Patwari as Local Commissioner for the purpose of demarcating the property in dispute which has already been dismissed by the trial Court vide order Annexure P-5. By moving the application Annexure P-8, the revisionist-petitioner has again sought the same relief, as prayed for in the earlier application, i.e Annexure P-3, under the garb of seeking permission to lead the additional evidence. The Division Bench of this Court has categorically observed in **Pritam Singh and another vs. 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 instant revision petition deserves dismissal. Resultantly, the same stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

14.03.2022.
seema

Whether speaking/reasoned?	Yes
Whether Reportable?	No