

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

**Civil Revision No.1584 of 2020 (O&M)
Date of Decision: 30th May, 2022**

Paramjit Kaur

...Revisionist-Petitioner

Versus

Balbir Kaur

...Respondent

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

Present:- Mr. Sarju Puri, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the order dated 07.01.2020 (Annexure P-1), passed by learned Additional Civil Judge (Senior Division), SBS Nagar (for short 'the trial Court') whereby the application (Annexure P-7) moved by the petitioner-defendant (here-in-after to be referred as 'the defendant') for seeking the appointment of some Revenue Officer as Local Commissioner for carrying out the demarcation of the suit property, has been dismissed, she (defendant) has preferred the instant revision petition.

2. I have heard learned counsel for the petitioner-defendant in the present revision petition and have also perused the file carefully.

3. Learned counsel for the defendant contends that the respondent-plaintiff (here-in-after to be referred as 'the plaintiff') filed the suit for seeking a decree for possession of the suit property, claiming the same to be comprised in Khasra Nos.1069 to 1071 whereas the defendant

has contested her claim by denying the factum of the property in her possession being a part of the said Khasra numbers and thus, there is a dispute between the parties regarding the identification of the suit property which can be resolved by appointing some Revenue Officer as Local Commissioner with direction to demarcate the said property but vide the impugned order, the trial Court has erroneously dismissed the application moved by the defendant for the afore-said purpose. He places reliance upon the observations made by Bombay High Court in **Yeshwant B. Ghuse vs. Vithobaji L. Ladekar 2009(40) R.C.R. (Civil) 741** and **Sou. Ashatai Vijayrao Warekar and Others vs. Champatrao Laxmanrao Kale deceased by LRs and Others 2012 (6) R.C.R. (Civil) 1416**, in support of his contentions.

4. However, the above-raised contentions are devoid of any merit because the plaintiff has filed the above-said civil suit for seeking the possession of the suit property, as comprised in the afore-said Khasra numbers, while claiming that she had purchased the same vide the sale-deed dated 28.10.2010. As categorically mentioned in para no.7 of the impugned order, the issues were framed on 11.02.2016 and issue No.1 had been framed qua her entitlement for the said relief and she has been burdened to prove this issue.

5. Moreover, the Division Bench of this Court has categorically held 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". In view of these observations, the verdicts rendered by the Bombay High Court in **Yeshwant B. Ghuse (supra)** and **Sou. Ashatai Vijayrao Warekar and Others (supra)** would be of no avail to the defendant.

6. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the present revision petition, being *sans* any merit, stands dismissed.

30.05.2022
seema

(MEENAKSHI I. MEHTA)
JUDGE

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