

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

Sr. No. 133

CR No. 1162 of 2022

Date of decision: 07.04.2022

Mangal Singh

..Petitioner

Versus

Kamaljit Singh and another

..Respondents

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

Present: Mr. Naveen Batra, Advocate
for the petitioner.

MEENAKSHI I. MEHTA J. (Oral)

The petitioner (for short 'the plaintiff') herein assails the order dated 24.02.2022 (Annexure P-5) handed down by learned Civil Judge (Junior Division), Sri Anandpur Sahib (for short 'the trial Court') whereby the application moved by him for seeking appointment of the Local Commissioner has been dismissed.

The plaintiff filed a Civil Suit against the respondents-defendants (for short 'the defendants') for seeking a decree for permanent injunction to restrain them (defendants) and their family members and other associates from interfering, raising any construction or any super structure etc. and from collecting any construction material in the suit property with an alternative prayer for mandatory injunction directing the defendants to remove the construction and vacate the said property, while averring that he, along-with other co-sharers, is in joint possession

over this property but the defendants are threatening to interfere in the same. Thereafter, he moved application Annexure P-3 with a prayer for the appointment of the Local Commissioner which has been dismissed vide the impugned order.

Learned counsel for the plaintiff contends that the suit property as well as the property of the defendants adjoin each other and therefore, its demarcation by the Local Commissioner would facilitate the trial Court to arrive at a proper and just decision of the case and therefore, the impugned order is not legally sustainable.

However, I do not find this contention to be tenable because 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.*”

In the light of these observations, it is explicit that the instant revision petition deserves dismissal. Resultantly, the same stands dismissed accordingly.

07.04.2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No