

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

**Civil Revision No.2119 of 2022
Date of Decision: 30th May, 2022**

Subhash Chaudhary

...Revisionist-Petitioner

Versus

Purshotam Dass Chaudhary & Others

...Respondents

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

Present:- Mr. Anil Ghanghas, Advocate,
for the revisionist-petitioner.

* * * *

MEENAKSHI I. MEHTA, J.(ORAL)

Feeling aggrieved by the order dated 22.02.2022 (Annexure P-9) passed by learned Additional Civil Judge (Senior Division) Guhla (for short 'the trial Court') whereby the application moved by the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') for seeking the appointment of the Local Commissioner has been dismissed, the plaintiff has preferred the instant revision petition.

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

3. Learned counsel for the plaintiff contends that in the impugned order, the trial Court has wrongly mentioned the factum of the plaintiff having availed two effective opportunities to lead his evidence and moreover, there is a discrepancy in the site plans Annexures P-2 and P-3, i.e 'the *Aks Shizras*' regarding the passage in dispute and therefore, the

appointment of the Local Commissioner would be necessary to determine the real controversy between the parties.

3. However, the afore-raised contentions are devoid of any merit because as regards the mention of the factum of the plaintiff having availed two effective opportunities to lead his evidence, in para No.5 of the impugned order, it is pertinent to mention here that the plaintiff has not placed the *Zimni* orders, as passed by the trial Court, on the file so as to show to the contrary. So far as the alleged discrepancy in the site plans Annexures P-2 & P-3 is concerned, the same can be looked into and appreciated by the trial Court at the relevant stage in the suit.

4. To cap it all, 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*”.

5. 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 devoid of any merit, stands dismissed.

30.05.2022

Seema

Whether speaking/reasoned:

Whether Reportable:

(MEENAKSHI I. MEHTA)
JUDGE

Yes

No