

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

CR No.2511 of 2022

Date of decision: 3rd August, 2022

Harbans Singh

... Petitioner

Versus

Pargat Singh & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Brijeshwar S. Bhalla, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

The instant civil revision has been filed under Article 227 of the Constitution of India with a prayer for setting aside of the order dated 09.05.2022 (Annexure P6) passed by learned Additional Civil Judge (Senior Division), Baghapurana, vide which the application moved by the petitioner/defendant for appointment of Local Commissioner was dismissed.

Learned counsel, inter alia contends that the plaintiff/respondent had filed a suit for permanent injunction to restrain the petitioner/defendant from interfering in any way or manner and from demolishing any portion of the house constructed in Khasra No.138//1 and 138//2 situated in the area of village Ganji Gulab Singh Wala, Tehsil Baghapurana, District Moga. Learned counsel further contends that the property in dispute is located within the Lal Lakir and does not

bear any Khasra number. Under the garb of khasra number 138 Rect.1 and 2, the plaintiff/respondent was wanting to grab vacant portion marked with letters 'ABCD'. Hence, it was necessary to appoint a Local Commissioner for demarcating the area marked with letters 'ABCD' and to submit a report as to whether the area shown in the site plan Ex.P1 filed by the plaintiff bore any khasra number or not.

I have heard learned counsel for the petitioner and perused the relevant material on record.

A pointed query was put to the learned counsel as to how the instant revision petition was maintainable, however he was unable to satisfy this Court qua the same. It needs to be pointed out that since no rights of the parties had been admittedly adjudicated upon vide the impugned order, hence the instant revision petition cannot be entertained. The discretion to appoint a Local Commissioner rests with the Court and in case the Court refuses to appoint a Commissioner, the rights of the party cannot be said to have been prejudiced. Resultantly, the instant revision petition being without any merit stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

August 3, 2022

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No