

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

CR No.3119 of 2022

Date of decision: 6th August, 2022

Premwati

... Petitioner

Versus

Indrawati & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

The petitioner/plaintiff is impugning the order dated 05.07.2022 (Annexure P5) passed by learned Civil Judge (Junior Division), Faridabad, vide which her application for appointment of Local Commissioner for demarcating the suit property was dismissed.

Learned counsel, inter alia, contends that the petitioner was owner of house MCF No.2000, Parvatiya Colony, NIT, Faridabad (hereinafter referred to as, 'the suit property') duly detailed and described in the plaint. However, the respondent/defendants had after trespassing into her property taken forcible possession of the same in the month of February, 2015, as a consequence of which the suit in question for possession was instituted by her. Learned counsel submits that since the defendants in their written statement filed before the trial Court were claiming that they were owner of rectangle/khasra No.19,

killa No.5 bearing plot No.11 and the house of the plaintiff was located in khasra No.19, killa No.6/1; the appointment of Local Commissioner would help in proper adjudication of the matter in controversy as to which of the two parties was in actual possession of the suit property.

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 since admittedly no rights of the parties had been adjudicated upon vide the impugned order, however, he was unable to satisfy this Court qua the same. It needs to be reiterated that 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, there being no merit in the instant revision petition, the same is hereby dismissed.

(MANJARI NEHRU KAUL)
JUDGE

August 6, 2022

rps

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