

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

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CR-3418-2022 (O&M)
Date of decision: 26.08.2022

DALIP SINGH

....Petitioner(s)

Versus

BALDEV SINGH AND ORS

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Kumar Bokolia, Advocate
for the petitioner.

MANJARI NEHRU KAUL. J. (ORAL)

The instant civil revision petition has been filed under Article 227 of the Constitution of India with a prayer for setting aside of the impugned order dated 19.07.2022 (Annexure P-1) passed by the Court of Additional Civil Judge (Sr. Division), Faridkot, vide which the application filed by the petitioner-defendant with respect to the objections raised qua the demarcation report dated 15.11.2019 (Annexure P-2) prepared by the Local Commissioner-cum-Naib Tehsildar, was dismissed.

Learned counsel submits that the impugned order, on the face of it, is erroneous and the trial Court has failed to appreciate and consider the material aspects of the issue. He submits that the Local Commissioner-cum-Naib Tehsildar prepared the demarcation report dated 15.11.2019 in utter disregard to the settled rules for demarcation inasmuch as he did not even visit the spot while preparing his report. He further submits that on the day, when the Local Commissioner supposedly visited the spot for preparing the report, he had suffered injuries in an accident. Hence, it supported his contention that the demarcation report had been prepared by the Local Commissioner while sitting in his office. He has also further submitted that the Local Commissioner obtained the thumb-impression of

the petitioner in his office on the demarcation report; since the petitioner is an illiterate person, he attested the demarcation report without reading the contents therein. He submits that in fact the petitioner had no idea that he had been made to thumb mark the demarcation report.

Heard learned counsel for the petitioner and perused the relevant material on record.

A perusal of the attendance sheet attached with the demarcation report dated 15.11.2019 (Annexure P-2) reveals that presence of the petitioner along with other people who were present at the spot, has been duly marked. The petitioner has affixed his left thumb-mark thereon which fact has not been disputed by the learned counsel for the petitioner also though, he submits that the thumb impression was obtained in the office of the Local Commissioner and the petitioner in fact had no idea as to on what papers his thumb impression was being taken. The petitioner has put forth a highly unbelievable version which cannot be accepted. It is very strange that the petitioner, for reasons best known to him, chose to sit quiet for more than 02 years after his thumb-impressions had been allegedly obtained by the Local Commissioner on the demarcation report.

This Court in the facts and circumstances does not find any illegality or perversity in the impugned order.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

August 26, 2022

S.Sharma(syr)

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