

119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4577-2022
Decided on : 12.12.2022

Chhinder Kaur

..... Petitioner

Versus

Jasleen Gill and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Surinder Garg, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

The petitioner is impugning the order dated 26.07.2022 (Annexure P-6) passed by Addl. Civil Judge (Sr. Divn.) Faridkot vide which her application filed under Order XXVI Rule 9 CPC r/w Section 151 CPC for appointment of local commissioner was dismissed.

Learned counsel for the petitioner *inter alia* contends that the trial Court while passing the impugned order failed to appreciate that under the garb of the suit, respondents were trying to take illegal possession of the plot in question. He submits that the petitioner was not seeking appointment of a local commissioner to determine the possession of the parties over the suit property but only to ascertain the correct Khewat Number of plot in question. He thus, submits that the appointment of the local commissioner would further the cause of justice and help the trial Court in adjudicating the controversy effectively.

Heard learned counsel and perused the relevant material available on record.

At the outset, it would be relevant to point out here that the Division Bench of this Court in *Pritam Singh vs. Sunder Lal, 1990 (2) PLR 191* has held that a revision petition against an order refusing to appoint a local commissioner would not be maintainable as the discretion solely rests with the Court to appoint a local commissioner and in case the Court refuses to appoint a commission then no right of any party can be said to have been prejudiced.

Still further, this Court does not find any illegality much less perversity in the impugned order as the trial court has rightly observed that it is for the petitioner to show her exclusive possession over the disputed plot in question since the said plot is a part of joint land of which petitioner and the respondents are co-sharers. It needs to be reiterated that a party cannot be allowed to collect evidence through a Court.

As a sequel to above, this Court is not inclined to invoke its revisional jurisdiction to set aside the impugned order. Accordingly, the present petition being devoid of any merit, stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

12.12.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No