

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

Civil Revision No.4584 of 2022

Date of Decision: 09th November, 2022

Santosh

...Revisionist-Petitioner

Versus

Sita Ram & Others

...Respondents

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

Present: Mr. Neeraj Goel, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL)

By way of the instant revision petition, the petitioner (here-in-after to be referred as 'the plaintiff') has laid challenge to the order dated 17.08.2022 (Annexure P-13) handed down by learned Civil Judge (Junior Division) Karnal (for short 'the trial Court') whereby the objections filed by her qua the Demarcation Report dated 24.08.2021, have been dismissed.

2. The facts, culminating in the filing of the present revision petition, are that the Civil Suit filed by the plaintiff against the respondents-defendants (here-in-after to be referred as 'the defendants') for seeking a decree for mandatory injunction directing them (defendants) to remove the illegal encroachment over the suit property and to hand over its vacant possession to her (plaintiff) with a further prayer for permanent injunction to restrain the defendants from dispossessing her from the rest of the suit

property in any manner, was dismissed by the trial Court vide the judgment and decree dated 23.02.2016. Aggrieved therefrom, the plaintiff filed an appeal and vide the judgment and decree dated 09.02.2021 as passed by learned Additional District Judge, Karnal, the appeal was allowed and the said judgment as well as the decree passed by the trial Court, were set aside while remanding the matter to the trial Court with the direction to decide the said civil suit afresh after appointing the Local Commissioner for the demarcation of the land in dispute, strictly in accordance with law. Accordingly, the trial Court, vide the order Annexure P-9, appointed the Tehsildar, Karnal as the Local Commissioner for the above-said purpose who submitted his report Annexure P-10. However, the plaintiff filed objections Annexure P-11 against the said Report and the same have been dismissed vide the afore-mentioned impugned order.

3. I have heard learned counsel for the petitioner-plaintiff, at the preliminary stage, in this revision petition and have also perused the file carefully.

4. Learned counsel for the petitioner-plaintiff contends that while conducting the demarcation proceedings, the Local Commissioner did not resort to the prescribed procedure for ascertaining the '*pucca*' points and moreover, the signatures of the husband of the plaintiff had been obtained on the Attendance-Report without actually conducting the demarcation proceedings on the relevant day and as per the said demarcation report, one Munni Devi is the owner of the disputed shop whereas her name does not find mention as such in the relevant revenue record and thus, it becomes

explicit that the said report is incorrect but learned trial Court has wrongly dismissed the objections preferred by the plaintiff against the same.

5. However, I do not find the afore-raised contentions to be tenable because as regards the contention qua the Local Commissioner having not followed the prescribed procedure for ascertaining the 'pucca' points, it is pertinent to mention here that in Annexure P-10, the Local Commissioner has categorically reported as under:-

“In the presence of all the witnesses at spot, inspection of revenue record was done & spot was identified. And spot was matched. Chakbandi of Rakba situated in tehsil Karnal has not been done. Temporary Khasra number is there and Shizra Kishtkar is present. Houses have been constructed in & around the Khasra spot. For this reason manual demarcation is not possible. For this reason aforesaid demarcation has to be conducted through DGPS Machine. After this, in the presence of witnesses, identification of Pucca points were done. That is North-East corner of Khasra No.2561, North-West corner of Khasra No.2540 & North-west corner of Khasra No.2567 & North-East corner of this Khasra No.2567, were admitted as correct spot. On the basis of these Pucca points, aforesaid Khasra No.2532-2552-2554, in accordance to revenue record & Fitta Book were registered in Computer Machine. Which were admitted as correct by the persons present at the spot. Apart from this matching was done with Masabi. After this, with the help of DGPS Machine, marking at all the corners of Khasra Nos.2532-2552-2554 was done. And satisfaction of all the people present was made done in every ways. On the spot, at the North-west corner of Khasra

No.2554 & North-east corner of Khasra No.2552, shop of Munni Devi W/o Jai Singh was found to be constructed. Its map has been prepared by computer machine and in it houses/shops/empty land details present in aforesaid numbers is present in attached computer map, which is attached herewith. No dispute has been raised at the spot in regards to demarcation in any manner”.

A perusal of the Attendance-Report annexed therewith, reveals that the husband of the plaintiff named Ram Pal was also present at the spot at the time of conducting the demarcation proceedings.

6. So far as the contentions qua the signatures of the husband of the plaintiff having been taken on the Attendance Report without actually conducting the demarcation proceedings and regarding the name of Munni Devi having not been incorporated in the relevant revenue record are concerned, it is again worth-while to mention here that throughout in her objection petition Annexure P-11, the plaintiff has not whispered even a single word in respect thereof, meaning thereby that these are being raised for the first time, before this Court. Even otherwise, there is nothing on the record to show that the husband of the plaintiff had ever moved any application/complaint to the higher authorities regarding the above-said grievance. Further, Annexure P-15 is the Agreement to Sell shown to have been executed by one Dharamveer in favour of said Munni Devi qua the shop in question wherein it has been mentioned that its possession had been handed over to the vendee. Unless and until the sale deed is executed and registered in pursuance of the said Agreement, the name of the vendee is

not supposed to be incorporated in the relevant revenue record.

7. 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 *sans* any merit, stands dismissed.

09.11.2022
seema

(MEENAKSHI I. MEHTA)
JUDGE

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