

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

CR-5483-2022(O&M)

Date of decision:-24.11.2022

Jag Mohan

...Petitioner

Versus

Mangtu Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Ramender Chauhan, Advocate
for the petitioner.

H.S. MADAAN, J.(ORAL)

1. Briefly stated, facts of the case are that plaintiff Mangtu Singh had brought a suit against defendant Thola Manan Pala, Bhiwani through Sh.Karan Singh, Lambardar, resident of Kitan Pana, Bhiwani as well as General Public seeking a declaration that he is owner in possession of the suit land measuring 31 kanals 18 marlas situated within revenue estate of Bhiwani Jonpal as per jamabandi for the year 2011-12 with a consequential relief of permanent injunction restraining the defendants from interfering into the peaceful possession of the plaintiff.

2. On getting notice, defendant No.1 had appeared and filed a written statement contesting the suit. Issues on merits were framed and the parties were afforded adequate opportunities to lead evidence. The

plaintiff had already closed his evidence. Whereas oral evidence of defendant No.2 was also closed and case was fixed for documentary evidence of defendant No.2. At that stage, defendant No.2 had filed an application for appointment of Local Commissioner, which was opposed on behalf of the plaintiff. Vide the impugned order dated 26.10.2022, the said application was dismissed, which left petitioner/defendant No.2 aggrieved and he has filed the present revision petition praying that the impugned order be set aside and application for appointment of Local Commissioner be accepted.

3. I have heard learned counsel for the revisionist besides going through the record and I find that there is absolutely no merit in the revision petition.

4. In a civil suit the contestants are required to prove their respective version by producing evidence and the Court is not to collect evidence for either of the party by appointing a Local Commissioner. The revisionist/defendant No.2 exactly wants the Court to do so, which is not permissible under law. The revisionist desires that a Local Commissioner appointed by the Court should visit the spot so as to bring on record the factual position to the effect that the suit property is in possession of such defendant as well as other co-sharers/share-holders. A Local Commissioner visiting the spot for a short time is hardly in a position to determine the possession of any particular person over the property in dispute, rather such possession is to be proved by bringing evidence on record. The trial Court was fully justified in dismissing the application for appointment of Local Commissioner vide the impugned order dated

26.10.2022 and no reason is there to interfere with such order, which is quite detailed and well reasoned and does not suffer from any illegality or infirmity.

5 Thus, finding no merit in the civil revision petition, the same stands dismissed.

24.11.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No