

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR 194/2023

Date of decision:12/01/2023

Preet Singh

.....Petitioner

Vs.

Mahender Singh and others

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Vishal Nehra, Advocate for the petitioner.

Nidhi Gupta, J.

This revision petition has been filed seeking setting aside of the impugned order dated 15.11.2022 (Annexure P-4) passed by Ld. Civil Judge (Jr.Div.) Gohana, District Sonipat whereby the petitioner's application for appointment of Local Commissioner has been dismissed.

Heard learned counsel for the petitioner.

Ld. Counsel for the petitioner is unable to dispute the established position in law that orders dismissing an application for appointment of Local Commissioner are not revisable. It has been held by two Division Benches of this Court in **Harvinder Kaur v Godha Ram, 1979**

PLJ 562 and Pritam Singh v Sunder Lal, 1990(2) PLR 191, that Revision Petition is not maintainable against an order passed by the Trial Court dismissing application for appointment of Local Commissioner.

An order refusing to appoint Local Commissioner does not decide any issue nor adjudicate any rights of the parties for the purpose of the suit and therefore, are not revisable. Refusing to appoint a Commissioner has nothing to do with the rights of the parties and it is purely the discretion of the Court. If the Court refuses to appoint a Local Commissioner, no right of the parties is prejudiced. It is further an established position in law that parties have to adduce their evidence and Courts cannot be used as an instrument to collect evidence on behalf of the parties.

For the reasons stated above, finding no merit in this revision petition the same is hereby dismissed.

Pending application(s), if any, also stand disposed of accordingly.

12/01/2023	(Nidhi Gupta)
Joshi	Judge
Whether speaking/reasoned	Yes
Whether reportable	Yes/No