

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 799 of 2017 (O&M)

Date of Decision: 09.10.2023

Ramji Lal (Deceased) through his Legal Representatives and Others

... Petitioner(s)

Versus

Jaibir and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ajay Chaudhary, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. Proceedings for execution of a final decree of partition is stated to be pending before the Executing Court. The petitioner claims that the different parcels of land, located in as many as four khasra numbers, were the subject matter of the dispute in the partition proceedings. He submits that a Local Commissioner was appointed to demarcate and suggested the mode of partition with respect to the property comprised in three khasra numbers. However, no report regarding the property comprised in khasra No. 640/4 was submitted. He further submits that the petitioner's application for appointing the Local Commissioner afresh has been wrongly dismissed as infructuous.

2. The petitioner herein has challenged the correctness of the order passed on 22.09.2016 which reads as under:-

“Since objections have already been dismissed,

therefore, the application for appointment of Local Commission

Civil Revision No. 799 of 2017 (O&M)

rendered infructuous. Let warrant of possession as per mode suggested by the Local Commission be issued for 05.11.2016.”

3. It is evident that the trial Court has referred to a previous decision passed while dismissing the petitioner’s objection petition. It is obvious that the order passed is totally non-speaking. In such circumstances, it is not possible to decipher the reasons for dismissing the application.

4. Keeping in view the aforesaid facts, the present revision petition is disposed of with the liberty to the petitioner to file an application for the appointment of the Local Commissioner afresh before the Executing Court who shall decide the same afresh.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

October 09, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No