

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR-7490-2023

Date of Decision: 13.12.2023

Ranvir Yadav @ Ranbir Yadav

....Petitioner

VERSUS

Managing Director DHBVNL and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the petitioner.

KARAMJIT SINGH, J.

Present civil revision petition has been filed by the petitioner/plaintiff against order dated 28.11.2023 passed by the Court of Additional Civil Judge, Senior Division, Narnaul whereby an application filed by the petitioner for producing report of Local Commissioner dated 20.4.2022 by way of additional evidence, has been dismissed.

2. Counsel for the petitioner submits that report of Local Commissioner dated 20.4.2022 (Annexure P-2) is necessary for just decision of the case. So, prayer is made that the impugned order be set aside and permission be granted to the petitioner to lead additional evidence as prayed for.

3. I have considered the submissions made by the counsel for the petitioner and gone through the impugned order and copy of report of Local Commissioner dated 20.4.2022.

4. The petitioner filed suit for mandatory and permanent injunction seeking directions to the respondents not to recover any amount

under the guise of bogus case of theft of electricity made out against the petitioner and further to direct the respondents to install the electric meter which was illegally removed/disconnected.

5. The suit was contested by the respondents. After settlement of issues, both the parties led their evidence and when the case was fixed for rebuttal evidence, the petitioner filed an application to lead additional evidence to produce and prove demarcation report dated 20.4.2022 in order to establish that the alleged theft of electricity had not taken place in the premises of the school of the petitioner and the petitioner is having no concern with the house where theft of electricity was detected by the respondents at the time of alleged checking. From the perusal of the aforesaid report of Local Commissioner, it appears that the said demarcation was conducted on the direction of Assistant Collector, 2nd Grade, Narnaul and the demarcation was not conducted in the presence of any representative of the respondents. The aforesaid civil suit is pending since 2017 but no application for appointment of Local Commissioner was filed by the petitioner before the learned trial Court. In the given circumstances, as the Civil Court was seized of the matter, there was no occasion for the petitioner to approach any revenue authority for the purpose of getting demarcated the site in dispute. So, demarcation report (Annexure P-2) is having no legal value and thus, the learned trial Court rightly declined the request made by the petitioner to produce the said demarcation report on record by way of additional evidence. However, in case, the petitioner is of the view that any such demarcation is necessary for proper adjudication of the subject matter in dispute, the petitioner is hereby given liberty to file the application for appointment of Local Commissioner in the trial Court within

next 3 weeks and the same is to be disposed of by the said Court in accordance with law, expeditiously, without granting unnecessary adjournments, within next 3 weeks of its filing.

6. The revision petition is disposed of in the aforesaid terms without expressing any opinion on the merits of the case.

7. Keeping in view the nature of order being passed, no notice is required to be issued to the respondent. However, if he feels dissatisfied with this order, he may move an application to recall the same.

(KARAMJIT SINGH)
JUDGE

December 13, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No