

CR-1214-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.145

CR-1214-2024

Date of Decision: 20.03.2024

JAGAN LAL

....Petitioner

Versus

JAGDISH AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rishav Jain, Advocate for the petitioner.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 31.01.2024 (Annexure P-4), passed by the Court below, whereby the Local Commissioner was appointed by the Court below, during the pendency of the petition, for passing of the final decree.

It is submitted by learned counsel for the petitioner that at first instance, Local Commissioner was appointed and he had submitted the survey report, which was set aside by the court, vide order dated 06.11.2015. Thereupon, an application for appointment of Local Commissioner was filed and the Tehsildar Hodal was appointed as Local Commissioner. However, in the revision petition i.e. CR-175-2017, the observations made in the previous Local Commissioner report came under challenge. The said revision petition which was filed by the Decree Holder and it was dismissed. Thereupon, Tehsildar Hodal was appointed as Local Commissioner, who submitted the survey report and the same is challenged by the petitioner in the present revision petition.

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It is further submitted that the same Local Commissioner has been appointed qua whom, the first report of Local Commissioner was discarded by the Court below.

Notice of motion.

Mr. Rajesh Lamba, Advocate, accepts notice on behalf of respondent No.1 and filed Power of Attorney, which is taken on record.

In view of the same, issuance of formal notice qua proforma respondents No.2 to 47 is hereby dispensed with.

At this stage, learned counsel for respondent No.1 submits that he has no objection if another Local Commissioner is appointed instead of same Local Commissioner i.e. Tehsildar Hodal, who had furnished the previous report, which was discarded by the concerned Court. To this offer, so made, learned counsel for the petitioner has no objection.

There are assertions in the petition about the same Local Commissioner to have been appointed through whom the previous report was furnished. In the same, proceedings were discarded by the Court below.

In the given circumstances, in view of the offer, so made by learned counsel for respondent No.1, which is acceptable to learned counsel for the petitioner, the instant revision petition is hereby accepted and the Court below is hereby requested to appoint the fresh Local Commissioner, who should not be the officer, who furnished the report previously, which is dated 28.08.2023.

On query, it was disclosed that the date fixed before the Court below is 22.03.2024. In the given circumstances, parties are hereby requested to make appearance before the Court below and the concerned Court shall proceed further with the appointment of the Local

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Commissioner, as observed aforesaid and proceed further with the case.

In view of the aforesaid terms, the instant revision petition is hereby disposed of.

20.03.2024

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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No