



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.135

CR-1492-2024
Date of Decision: 09.09.2024

JAI PARKASH THROUGH LR KRISHNA DEVI

....Petitioner

Versus

VIRENDER SINGH ALIAS TONY AND ANOTHER

....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Manoj Chahal, Advocate
for the petitioner.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 22.02.2024 (Annexure P-3), passed by learned Trial Court, whereby an application for appointment of the Local Commissioner, filed at the instance of the petitioner (who is defendant before learned Trial Court), was dismissed.

Perusal of the impugned order reveals that the suit for declaration, filed by the petitioner, was at a final stage, when an application for appointment of Local Commissioner was disposed of by learned Trial Court. It reveals that after dismissal of the application, the case has been fixed for rebuttal evidence, if any, otherwise for arguments.

The aforesaid factual position, as such, is not disputed by the counsel for the petitioner. He submits that the case is at the stage of rebuttal evidence and arguments.



Considering the same, both the plaintiff, as well as the defendants, must have led evidence, with regard to their rival rights, asserted before learned Trial Court. In the light of the same, when the evidence part is complete, no case is made out for appointment of the Local Commissioner, to know about existing possession over the suit property. Precisely, on this account, the impugned order warrants no interference.

Hence, the revision petition is hereby dismissed.

09.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

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