



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Civil Revision No.2809 of 2024

Date of Decision: 09.05.2024

Harmail Singh

...Revisionist-Petitioner

Versus

Jaspreet Singh & others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Petitioner-Harmail Singh in person.

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MEENAKSHI I. MEHTA, J. (ORAL)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner has laid challenge to the order passed by learned Civil Judge (Junior Division), Ludhiana (for short 'the trial Court') on 14.02.2024 in ***Civil Suit No.5484 of 2021*** titled as '***Harmail Singh vs. Jaspreet Singh and others***', whereby the application (Annexure P-2), as moved by him for seeking the appointment of the Local Commissioner, has been dismissed.

2. I have heard the petitioner in the present revision-petition, at the preliminary stage and have also perused the file carefully.

3. The petitioner contends that the respondents-defendants concocted a story regarding his having illegally cut the trees, belonging to the Government and got a false Daily Dairy Report entered against him and after the conclusion of the proceedings qua the same in his favour, he has filed the above-referred Suit against them for seeking damages on account of



his malicious prosecution at their instance and therefore, it is necessary to appoint the Local Commissioner and seek his report regarding the existence/presence of the afore-said trees at the spot, for proper and just decision of the Suit but vide the impugned order, the trial Court has wrongly dismissed the above-said application and hence, this order deserves to be set-aside.

4. However, the afore-raised contentions do not cut much ice with this Court because in Para No.4 in the impugned order, the trial Court has specifically observed that the evidence of the parties is yet to be recorded in the Suit. It is entirely for the petitioner-plaintiff to lead cogent evidence on the record to prove his averments, as set-forth in the plaint, for seeking the relief, as prayed for by him in the Suit and it is well settled that the Local Commissioner cannot be appointed to collect the evidence for a party to help him/her in substantiating his/her stance/version in the litigation.

5. Seen from yet another angle also, the instant revision-petition is not maintainable in view of the observations, as made by the Division Bench of this Court in **Pritam Singh and another versus Sunder Lal and others, 1990 PLJ 418** to the effect that “*the order refusing to appoint a Local Commissioner does not decide any issue, nor adjudicates rights of the parties for the purpose of the suit and is, therefore, not revisable*”.

6. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to call for any interference by this Court. Resultantly, the revision-petition in hand, being *sans* any merit, stands dismissed.

May 09, 2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No