



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

**CR-69-2025
DECIDED ON: 13.01.2025**

DARSHAN SINGH

.....PETITIONER

VERSUS

KULDEEP SINGH

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Dinesh Nagar, Advocate and
Mr. Ashish Nagar, Advocate
for the petitioner.

VIKRAM AGGARWAL, J

1. The petitioner (Darshan Singh) assails the order dated 11.10.2024 passed by the Court of Civil Judge (Junior Division), Dasuya District Hoshiarpur vide which the application filed by the petitioner under Order 26 Rule 9 CPC for the appointment of a Local Commissioner for demarcation of the suit property was dismissed.

2. A suit (Annexure P-1) for possession by ejectment of the petitioner-defendant from the property (fully described in the plaint) situated in village Garhdiwala was filed by the respondent-plaintiff Kuldeep Singh. It would be relevant to mention here that the parties are real brothers and are litigating as regards a property stated to have been transferred by their mother in favour of the respondent-plaintiff. The petitioner-defendant is contesting the said suit and has already filed his written statement (Annexure P-2).

3. During the pendency of the suit, an application was moved by the petitioner-defendant under Order 26 Rule 9 for the appointment of a Local Commissioner for demarcation of the suit property. It was averred in the application that the adjoining owners were claiming that the suit property does



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not fall in the Khasra numbers referred to in the plaint but was under their ownership, as a result of which the suit property was required to be demarcated to ascertain the actual position. The said application was opposed by the respondent-plaintiff and by way of the impugned order, the same was dismissed.

4. Learned counsel for the petitioner submits that the trial Court has erred in dismissing the said application and that for the fair and just decision of the suit, proper demarcation of the suit property would be required for which the Local Commissioner should have been appointed.

5. I have considered the submissions made by learned counsel for the petitioner but find the revision petition to be devoid of merit.

6. There are rival claims of the parties as regards the suit property. In the application moved by the petitioner-defendant for the appointment of a Local Commissioner, the only ground that was taken was that the owners of the adjoining land were claiming to be the owners of the suit property as well and that under the circumstances, demarcation of the suit property was essential. In the considered opinion of this Court, the ground is baseless and appears to have been taken with a view to delay the matter. No details of the owners were given in the application. They are not parties to the *lis*. They did not move any application before the trial Court. Even in the written statement, no such stand had been taken. Under the circumstances, there would absolutely be no occasion to allow the said application for the appointment of a Local Commissioner. The trial Court, therefore, rightly dismissed the application filed by the petitioner-defendant. I do not find any illegality in the same warranting interference. Even otherwise, it is well settled that against an order dismissing an application for the appointment of a Local Commissioner,



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no revision petition is maintainable. Reference can be made to the judgment of a Division Bench of this Court in ‘*Partap Singh Vs Sunder Lal*’, 1990 (2) RCR 191 and the judgment of a Co-ordinate Bench of this Court in ‘*Kirpal Singh and others Vs. Balkar Singh*’, 2025 (1) RCR (Civil) 327.

In view of the aforementioned facts and circumstances, the present revision petition is found to be devoid of merit and the same is accordingly dismissed.

13.01.2025
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

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