

2025:PI-HC:143438



CR-288-2025 (O&M)
Date of decision : 15.10.2025

Versus

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Mr. S.S.Sahu, Advocate
for respondent No.1.

None for respondent No.2.

PANKAJ JAIN, J. (ORAL)

1 Challenge is to order dated 26.11.2024 passed by Civil Judge
Junior Division, Ratia District Fatehabad, Haryana whereby the Court has
appointed local commissioner to conduct proper demarcation of suit land.
Court further directed the concerned local commissioner to conduct
photography and videography of the entire exercise after serving notices to
the concerned parties. For convenience, parties hereinafter are referred to by
their original position in the suit i.e. the petitioners No.1 & 2 as defendants
No.1 & 2 and respondent No.1 as plaintiff.



2 Counsel for the petitioners has assailed the order passed by the Trial court claiming that plaintiff himself relied upon demarcation conducted by Hawa Singh, Annexure P-2 which has not been considered by the Trial Court before passing the impugned order.

3 I have heard learned counsel for the parties and have carefully gone through records of the case.

4 Even as per the petitioners, there are more than one demarcation reports on record which have concluded in different directions and have given conflicting results.

5 In order to appreciate the contention raised by learned counsel for the petitioners, it will be apt to peruse Order XXVI Rule 9 of the Code of Civil Procedure, 1908 (CPC) which reads as under :-

“9 . Commissions to make local investigations— In any suit in which the Court deems a local investigation to be requisite or proper for the purpose of elucidating any matter in dispute, or of ascertaining the market-value of any property, or the amount of any mesne profits or damages or annual net profits, the Court may issue a commission to such person as it thinks fit directing him to make such investigation and to report thereon to the Court:

Provided that, where the State Government has made rules as to the persons to whom such commission shall be issued, the Court shall be bound by such rules.”

6 Bare perusal of the provision would reveal that the scope of the provision is to clothe the Court with the power to take assistance of the Local Commission wherever it deems it proper. The counsel for the petitioners has relied upon ***Kuldip Singh V. Davinder Singh, 2019(3) PLR 527, Bhagwan***



Dass V. Krishan Chand, 2017(1) Law Herald 354, Pritam Singh Vs. State of Haryana, 2016 (2) PLR 772, Balbir Dewan Cold Storage & General Mills Vs. Naveen Chander, AIR 1989 Punjab & Haryana 257 and Kuldeep Kumar Sharma Vs. Randeep Rana, 2025 (1) RCR (Civil) 314 to submit that the dispute qua the question of possession over the suit land has to be adjudicated upon by the Court and cannot be delegated to any other agency or instrumentality.

7 In the present case there being more than one report with respect to demarcation which is being relied upon by the rival parties, the Court is well within its right to seek assistance of the local commissioner to remove doubts and to ascertain the veracity of the local commissioner reports relied upon by the parties. Thus no error can be found with the impugned order.

8 In view thereof, finding no merits in the present petition, the same is ordered to be dismissed.

15.10.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

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