



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

CR-748-2022 (O&M)

Date of decision : 17.03.2025

Smt. Kulwinder Kaur

...Petitioner

Vs.

Raj Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sarju Puri, Advocate
for the petitioner.

Mr. Deepak Verma, Advocate
for the respondents No. 1 to 5.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein is defendant in a suit for grant of decree of permanent injunction restraining the defendant from interfering in lawful and peaceful possession of the plaintiff. The aforesaid suit is pending. An application filed by the petitioner for appointment of the Local Commissioner for submitting a report about the actual and factual position of the property has been dismissed by the trial Court. The petitioner assails the correctness of such order passed by the trial Court.

2. Learned counsel representing the petitioner submits that the Local Commissioner is an extended arm of the Court and in this case his appointment is necessary to know the actual and factual position. He submits that the petitioner has already constructed four storey house on the suit property.

3. This Court has considered the submissions made by the learned



counsel representing the parties.

4. In fact, the two different Division Benches of this Court in 'Harvinder Kaur and another vs. Godha Ram and another', 1979 PLJ 562 and 'Pritam Singh and another vs. Sunder Lal and others', 1990(2) PLR 191 have held that normally the High Court will not interfere in an order passed by the trial Court either appointing or refusing to appoint the Local Commissioner.

5. Moreover, it is the defendant's case that he has already constructed four storey house. He is required to prove the same. He cannot call upon the Court to collect evidence on his behalf.

6. Keeping in view the aforesaid facts, no ground to interfere is made out.

7. Hence, the revision petition is dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

17.03.2025
neeraj

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No