

**122 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR No.2909 of 2025****Date of Decision: May 14, 2025****Dr. Kulbir Kaur Virk****. . . . Petitioner**

Vs.

Bimla Devi and another

. . . . RESPONDENTS**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Harlove Singh Rajput, Advocate for the petitioner.**DEEPAK GUPTA, J.**

Defendant No.2 of Civil Suit titled "*Bimla Devi v. Garu Ram and Anr.*" (CS-787-2021) pending in the Court of learned Addl. Civil Judge (Sr. Divn.), SAS Nagar, Mohali is before this Court, assailing the order dated 07.04.205 (Annexure P-1), whereby an application for appointment of the Local Commissioner moved by the plaintiff-respondent has been allowed.

2. As borne out from the record, plaintiff claimed to be owner in possession of the plot/land comprised in khewat No.137/127, khatoni No.142, khasra No.14//12/2 (2-15) and 13/2 (0-13) situated within revenue limits of Village Ballo Majra, Hadbast No.32, Tehsil Mohali, District SAS Nagar. Defendant No.1 has sold his plot measuring 05 marlas to defendant No.2 (petitioner herein), out of khewat/khatoni No.91/95, khasra No.12//25/2 (2-11) and 15/5 (11-12) situated in the same village by virtue of sale deed dated 24.12.2019, by mentioning the said property as plot No.315. As per plaintiff, there is no such plot as bearing 315 as alleged in the sale deed of defendants; and the plot purchased by defendant No.2 is located at a far away place from the land/plot of the plaintiff. Defendants resisted the claim and so the plaintiff moved an application under Order 26 Rule 9 CPC for appointment of a Local Commissioner to demarcate her property.

3. The trial Court found that property owned by two parties bear separate khasra numbers and there appeared to be dispute of identity of the property in dispute and as such appointment of a Local Commissioner to demarcate the property was considered appropriate. As such, by way of the impugned order, Field Kanungo was appointed as a Local Commissioner to submit the report as to whether alleged plot No.315 having constructed house of defendant No.2 is part of khasra No.14//12/2 (2-15) and 14//13/2 (0-13); or khasra No.12//25/2(2-11) and 15/5(11-12) situated in Village Ballo Majra, Hadbast No.32, Tehsil Mohali, District SAS Nagar.

4. Assailing the order, learned counsel for the petitioner contends that the Court could not order for appointment of the Local Commissioner as it will amount to collecting the evidence on behalf of the plaintiff.

5. This Court does not find merit in the contention. Apparently there is a dispute relating to identity of the property. Both the parties are claiming ownership of different khasra numbers. A particular plot, i.e. No.315 is being claimed by the defendants to be their property, whereas plaintiff claims that it is her property comprised in khasra No.14//12/2 and 14//13/2, with which defendants have no concern.

6. In the aforesaid facts and circumstances, this Court does not find any illegality or perversity in the impugned order as appointment of the Local Commissioner so as to demarcate the property of the parties shall resolve the controversy. As such, the present revision petition is hereby dismissed.

May 14, 2025
Sarita

(DEEPAK GUPTA)
JUDGE

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