



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

110-2

Date of decision: 21.08.2025

1. CR-5892-2023

MEENA THAMMAN

....Appellant

Versus

IQBAL SINGH AND ANOTHER

...Respondent

2. CR-5862-2023

MEENA THAMMAN

....Appellant

Versus

IQBAL SINGH AND ANOTHER

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present : Ms. Shubreet Kaur, Advocate for the appellant.

Mr. Nitin Sachdeva, Advocate for respondent No.1.

PARMOD GOYAL. J.(Oral)

CM-16266-CII-2025 & CM-16267-CII-2025

1. For the reasons mentioned in the applications, the same is allowed.

The date of hearing in the main case is pre-poned from 03.02.2026 to 21.08.2025

i.e. today itself.

2. Applications stand disposed of.

CR-5892-2023& CR-5862-2023

3. With the consent of learned counsel for the parties both the revision petitions shall stand disposed of by this common order. For the sake of brevity the



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facts are being taken from CR-5892-2023.

4. Present petition under Section 227 of the Constitution of India has been filed for setting aside and quashing of the impugned order 12.09.2023 (Annexure P-8), passed by learned Civil Judge (Junior Division), Ludhiana in Civil Suit No.1582 of 2016 titled Iqbal Singh Vs. Meena Thamman and Another & order dated 12.09.2023 (Annexure P-6) passed in Civil Suit No.295 of 2018, titled as Meena Thamman Vs. Iqbal Singh, whereby the learned Court of first instance has dismissed the applications of the petitioner-Meena Thamman under Order 26 Rule 9 read with Section 151 of the Code of Civil Procedure, 1908, for appointment of a Local Commissioner.

5. Brief facts of the present case are that Defendant Iqbal Singh claims to have purchased a plot measuring 250 sq. yards, vide sale deed dated 20.10.1983, and has also claimed that the frontage of his plot is 30 feet. On the other hand, the plaintiff-Meena Thamman claims to have purchased a plot measuring 227 sq. yards from Lachman Singh, vide sale deed dated 15.03.2016 having frontage of 27 feet.

6. Both parties are claiming the plot on the basis of their respective sale deeds and asserting possession over the same. The main dispute is with regard to the identity of the plots between the parties, as the land was originally agricultural land from which plots were carved out, and sale deeds were executed for specific plots out of the total agricultural land.

7. In order to determine exact location of plots, petitioner/plaintiff-Meena Thamman had moved an application for appointment of Local Commissioner, which was declined by learned Court at first instance on the



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ground that Local Commissioner cannot be allowed to determine possession of the parties.

8. Learned counsel for the petitioner submits that in fact she is not seeking appointment of Local Commissioner for determining possession of petitioner over the suit property, rather she has moved an application for appointment of Local Commissioner for determining the identity of property and to find out whether the plot being claimed by both the parties is covered by sale deed executed in favour of the petitioner-Meena Thamman or in favour of respondent-Iqbal Singh.

9. Learned counsel for respondent No.1 has argued that Local Commissioner in the facts of the present case has no role to play, as Local Commissioner cannot determine the possession of parties.

10. I find that contention of both the parties to be partially correct. On one hand, learned counsel for respondent No.1 is right that Local Commissioner cannot determine the possession of parties. On the other hand, learned counsel for the petitioner is also right that to the extent that exact location of property and its identity has to be determined by some independent person i.e. Local commissioner. Therefore, I find merit in the application for appointment of Local Commissioner.

11. Application for appointment of Local Commissioner in both the suits is hereby allowed. The order of learned Court at the first instance is set aside. Let Local Commissioner be appointed to demarcate the property and determine the exact location and measurements of the properties, both claimed by petitioner as well as by respondent No.1. He shall have no right to comment upon possession of



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the parties, over the area which is demarcated by him. It is advisable that the demarcation of entire khatauni and khasra number be made in order to avoid any subsequent litigation.

12. Let a Revenue Officer be appointed as Local Commissioner and the demarcation be conducted after giving due notice to both the sides. Use of technology shall be permissible for demarcation, by following High Court Rules and Orders.

13. In view of above, both the revision petitions are allowed to the above extent.

14. Order of learned Court at the first instance is modified accordingly.

21.08.2025
amandeep

(PARMOD GOYAL)
JUDGE

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