

2026:PHHC:068165



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

CR-3760-2026 (O&M)

Date of Decision: 04.05.2026

ASHOK RAJ SINGH

...Petitioner

Versus

PRAVEEN KUMAR AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Keshav Pratap Singh Advocate
Mr. Namish Sodhi, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

The present revision petition has been preferred under Article 227 of the Constitution of India by petitioner/plaintiff being aggrieved by impugned order dated 07.04.2026 (Annexure P-6), passed by learned Additional Civil Judge (Senior Division), Palwal, whereby application for appointment of local commissioner for demarcation of suit property preferred by respondents/defendants was allowed.

2. In the present case, petitioner/plaintiff had preferred a suit for permanent injunction claiming that suit property duly described in the plaint was owned and possessed by the petitioner/plaintiff and respondents/defendants are trying to interfere in the peaceful possession. On the other hand, it was the case of respondents/defendants that suit property where the container has been placed by petitioner/plaintiff belongs to respondents/defendants and it is petitioner/plaintiff who has encroached upon land owned by respondents/defendants.

3. The respective contentions can only be determined with the

help of demarcation by revenue authority. The only objection for allowing demarcation by learned Court of first instance was that respondents/defendants had already approached the revenue authority twice wherein report had come against them. Those documents which are being relied upon by petitioner/plaintiff are yet to be placed on record by way of evidence.

4. In these circumstances, when the main issue is whether respondents/defendants have encroached upon the suit land or that respondents/defendants are interfering in the suit land which is owned by petitioner/plaintiff can very well be decided by demarcation of suit property as the property being claimed by petitioner/plaintiff is duly mentioned in revenue records and has been duly disclosed by petitioner/plaintiff in his plaint. Therefore, I do not find any infirmity in the impugned order dated 07.04.2026 (Annexure P-6) passed by learned Court of first instance. However, it is made clear that petitioner/plaintiff shall be free to adduce in evidence report of local commissioner appointed previously as well as challenge the demarcation made so under the orders of the learned Court of first instance in accordance with law. Revision petition is accordingly disposed of.

5. Pending application(s), if any, is/are disposed of accordingly.

04.05.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No