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

CR-3667-2023 (O&M)

Date of Decision : 10.03.2026

Charanjit Kaur Sandhu

... Petitioner(s)

Versus

Gursewak Singh & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Achin Gupta, Advocate and
Mr. Karan Bansal, Advocate for the petitioner.

Mr. Sandeep Kumar Bakolia, Advocate
for respondent Nos.1 and 2.

Mr. C.S. Jattana, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed by the plaintiff-petitioner challenging the order dated 12.05.2023 (Annexure P-5) whereby a Local Commissioner has been appointed at the very initial stage.

2. Brief facts relevant to the present *lis* are that the plaintiff-petitioner filed a suit for declaration to the effect that the plaintiff-petitioner was owner in possession of 16 kanals 04 marlas of land out of land measuring 94 kanals 16 marlas as fully described in the plaint. Written statement was filed on behalf of the defendant-respondent Nos.1, 2 and 4. Alongwith the written statement, an application was filed for appointment of a Local Commissioner to demarcate the total land. Reply was filed to the application and vide the impugned order dated 12.05.2023 the application has been allowed. Hence, the present revision petition.

3. Learned counsel for the plaintiff-petitioner would contend that the application for appointment of a Local Commissioner has been filed at the very initial stage i.e. alongwith the written statement. It is further the contention of the learned counsel that the issues in the present case are yet to be framed and the parties are yet to lead their evidence and if any Local Commissioner was to be appointed, the application ought to have been moved by the defendant-respondents at the time of leading their evidence.

4. *Per contra* the learned counsel for the defendant-respondents has contended that before the filing of the present revision petition, the report of Local Commissioner was submitted.

5. I have heard the learned counsel for the parties.

6. It is trite that the Courts are not to create evidence for the parties. The application which was filed for appointment of a Local Commissioner has been filed by the defendant-respondents at the very initial stage. If at all, any application was to be filed for appointment of a Local Commissioner by the defendant-respondents, the same had to be filed at the time of leading their evidence. At this stage, the application ought not to have been allowed.

7. In view of the above, the order dated 12.05.2023 (Annexure P-5) is set aside and the report of the Local Commissioner be discarded. The defendant-respondents would always be at liberty to lead their evidence, in accordance with law.

8. Disposed off accordingly. Pending applications, if any, also stand disposed off.

10.03.2026
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO