



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

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155

CR-4191-2026

Date of decision: 01.07.2026

Harvinder Singh and another

. . . . Petitioners

Vs.

State of Haryana and others

. . . . Respondents

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CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

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Present: - Mr.Sumeet Singh Brar, Advocate, for the petitioners.

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**DEEPAK GUPTA, J. (ORAL)**

Petitioners herein are some of the plaintiffs in Civil Suit bearing CS-63-2023 title *Jeeta Singh and others Vs. The State of Haryana and others*, pending before learned Additional Civil Judge (Sr. Division), Dabwali. They are aggrieved by the order dated 04.05.2026, whereby their application for appointment of Local Commissioner has been dismissed.

2. It is submitted by learned counsel that partition order dated 30.12.2022, as passed on the application of the respondent, was assailed before the Court. One of the grounds to assail this partition order was that Killa No.2 comprised in Rectangle No.117 measuring 9 kanal 4 marla consists of *Gair Mumkin* land to the extent of 4 marla. However, the said fact was not taken into consideration. Now respondents No.1 & 2 have raised construction of their house on the said Killa No.2 and therefore, an application was moved way back on 22.04.2024, before the Court for appointing the Local Commissioner to bring on record the actual factual position at the spot. At that time, the matter was fixed for plaintiffs' evidence. However, the Court disposed of the application dismissing the application for appointment of Local Commissioner on 04.05.2026 when the matter had reached at the stage of rebuttal evidence/arguments.

3.           However, it is conceded by learned counsel that in the application (Annexure P5) for appointment of Local Commissioner, no prayer was made for demarcating the concerned Killa No.2 Rectangle No.117 so as to know as to whether the construction of residential house allegedly raised by the respondent was in the said Killa number.
4.           Faced with the situation, counsel for the petitioners seeks liberty of this Court to move an appropriate application before the trial Court for appointment of Local Commissioner to demarcate Killa No.2 Rectangle No.117 and to bring on record the actual factual position.
5.           Having considered submissions of counsel for the petitioners, the present petition stands disposed of with the liberty to the petitioners to move appropriate application before the trial Court within a period of one week positively. In case any such application is moved, trial Court shall dispose of the same in accordance with law. Till the disposal of any such application, if moved, the final judgment shall not be pronounced by the trial Court.
6.           As the order is being passed without issuing any notice to the respondents, to avoid unnecessary delay, the respondents will be at liberty to approach this court, if they feel aggrieved by this order.

The petition is disposed of in the above terms.

01.07.2026  
*Vivek*

(DEEPAK GUPTA)  
JUDGE

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|----------------------------------|------------|
| <i>Whether Speaking/reasoned</i> | <i>Yes</i> |
| <i>Whether reportable</i>        | <i>No</i>  |