



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-5639-2024(O&M)
Date of decision: 19.03.2026

Mohinder Kaur @ Mahinder Kaur
... Petitioner
Versus
Pargat Singh and others
... Respondents

2. CR-5643-2024(O&M)

Mohinder Kaur @ Mahinder Kaur
... Petitioner
Versus
Raj Singh and others
... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Aryaman Thakur, Advocate, and
Mr. Vishal Sharda, Advocate,
for the petitioner.

None for the respondents.

VIKRAM AGGARWAL, J. (ORAL)

By way of the instant order, this Court shall dispose of the afore-titled two revision petitions, both assailing identical orders of even date, i.e. 02.07.2024, whereby the applications moved by the petitioner(s)/plaintiffs for appointment of a revenue official as a Local Commissioner were dismissed. The facts shall be referred from CR-5639-2024.

2. A suit (Annexure P-1) for possession was instituted by the petitioner/plaintiff-Mohinder Kaur @ Mahinder Kaur, along with Paramjeet Kaur, against the respondents/defendants (Pargat Singh and others). The case set up was that the petitioner/plaintiffs were owners of the land in



question (fully described in the plaint), situated within the revenue estate of Village Khudian Gulab Singh (hereinafter referred to as '**the suit land**'). A co-sharer had got demarcation conducted on 05.05.2021, in which, it had come that the suit land was in possession of the defendants. The defendants had admitted the demarcation report dated 05.05.2021, as no objection has been raised. Repeated requests were made to them to hand over the possession of the suit land to the plaintiffs, but to no avail. Under the circumstances, the suit was instituted.

3. The suit was opposed by way of a written statement (Annexure P-3), wherein all averments regarding encroachment etc. were denied.

4. An application (Annexure P-4) was instituted by the petitioner/plaintiffs for appointment of a revenue official as a Local Commissioner to inspect the spot and to submit a report as regards the actual and factual position of the suit land. It was averred in the application that the suit land had been given on lease and that after the filing of the suit in July 2021, the defendants had further encroached upon the land of the plaintiffs. With a view to know about the exact encroachment, the appointment of a Local Commissioner was sought.

5. The said application was opposed by way of a reply (Annexure P-5), wherein, the factum of further encroachment was denied. It was averred that, in fact, there was a water course, which was running in the western side of the land, which was leading to the land of the defendants, and the defendants were irrigating their land through the said water course. It was averred that the plaintiffs wanted to grab the said area of the water



course. Reference was made to some other suit as well. All other averments were also denied.

6. A separate reply was filed by other defendants No.4 & 5, though the stand taken was the same.

7. Vide the impugned order, the said application was dismissed by holding that it was not for the trial Court to collect evidence on behalf of the plaintiffs as regards the main issue involved. It was held that the parties were to lead their own evidence to prove their claims and for adjudication of the controversy.

8. I have heard learned counsel for the petitioner(s).

9. No one has put in appearance on behalf of the respondents at the time of hearing.

10. Learned counsel for the petitioner(s) has strenuously urged that the trial Court erred in dismissing the application for the appointment of a Local Commissioner. It has been argued that when there is a dispute regarding boundaries, the only remedy is to appoint a Local Commissioner and it would not amount to collection of evidence on behalf of the plaintiffs. Learned counsel submits that once the report comes, the petitioner/plaintiffs also intend to amend the suit.

11. I have considered the submissions made by learned counsel for the petitioner(s).

12. The suit and the written statement as also the application for appointment of Local Commissioner are, in a way, sketchy. They do not give any details. However, the fact remains that the entire dispute is being raised is of boundaries. There is already a report of a Local Commissioner



on record. With a view to arrive at a correct decision, the only remedy would be to appoint a revenue official as a Local Commissioner. This, in the considered opinion of this Court, would not amount to collection of evidence on behalf of the plaintiffs. Even otherwise, it is well settled that where the dispute is as regards boundaries, the only way out is to appoint a Local Commissioner.

14. That being so, the impugned order is found to be unsustainable and is accordingly set aside. Consequently, the revision petition is allowed and the application for appointment of Local Commissioner also stands allowed. The trial Court is directed to appoint a revenue official as a Local Commissioner for carrying out demarcation in accordance with law.

15. Pending application(s), if any, also stands disposed of.

16. A photocopy of this order be placed on the file of the connected case.

(VIKRAM AGGARWAL)
JUDGE

March 19, 2026

Rajan

Whether speaking / reasoned:

Yes/No

Whether Reportable:

Yes/No