



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

112

CR-2383-2025

Date of Decision: 08.07.2025

NARESH KUMAR

.....PETITIONER

Vs.

BALKAR SINGH AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Ms. Akanksha Yadav, Advocate  
for the petitioner.

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

Petitioner herein is plaintiff in Civil Suit bearing CIS-CS-1120/2023 titled '*Naresh Kumar Vs. Balkar Singh and Others*' pending before learned Civil Judge (Jr. Division), Panipat. He is aggrieved by the order dated 15.02.2025 (Annexure P-1) whereby his application for appointment of Local Commissioner to ascertain the existing position of the suit property, has been declined by the trial Court.

2. It is contended by learned counsel that petitioner-plaintiff is owner in possession of flat bearing No.D-1790, Ansal Sushant City, Panipat situated on the ground floor, consisting of common area as well as rear/back and front side lawn. As per the builder buyer agreement, petitioner paid higher amount in lieu of facilities granted to him like the exclusive right to utilise the rear/back side lawn including washing area and front side lawn of the suit property. However, the defendants-respondents are causing interference and intimidating petitioner-plaintiff in order to encroach upon the part of the suit property, specifically the rear lawn, by constructing pillars so as to extend rooms on their respective floors. It is contended that in their site plan, defendants-respondents have shown the rear lawn including the washing area and the front lawn as the common area, which in fact is in the exclusive possession of the petitioner-plaintiff and therefore, it is necessary to appoint a neutral person as Local



Commissioner to enable the Court to decide the rights of the parties in an effective manner. However, said request has been declined by the Court.

3. After hearing learned counsel, this Court does not find any merit in the contention. Whether the particular portion of the flat, is exclusively owned by the petitioner-plaintiff or is a common area, is a matter of evidence which is to be led by the parties. A Local Commissioner cannot be appointed so as to ascertain as to whether a particular area is the common area or the area is exculsively owned by the petitioner-plaintiff.

4. This Court does not find any perversity or illegality in the impugned order and as such, finding no merits in the petition, same is hereby dismissed.

08.07.2025

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( DEEPAK GUPTA )  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No