

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:110758



(130)

CR-5262-2025

Decided on: 21.08.2025.

Jasbir Singh

.....Petitioner(s)

Versus

Municipal Corporation Ambala City & others

.....Respondent(s)

CORAM : HON'BLE MRS.JUSTICE SUDEEPTI SHARMA

Present: Mr.Shantanu Bansal, Advocate, for the petitioner.

SUDEEPTI SHARMA, J.

1. The present revision petition is filed for setting aside order dated 05.05.2025 (Annexure P-4) passed by Learned Civil Judge (Junior Division) Ambala, whereby application filed by petitioner under Order 26 Rule 9 CPC for appointment of Local Commissioner, has been dismissed.

2. Learned counsel for the petitioner contends that petitioner has filed suit for mandatory injunction directing respondent No.1 to remove the illegal encroachment and in order to assist the Court, the application under Order 26 Rule 9 read with Section 151 CPC was filed for appointment of Local Commissioner. He further contends that since the Municipal Corporation who is the custodian of property, chose not to appear, therefore, the petitioner felt the requirement of appointment of Local Commissioner who could apprise the Court regarding the illegal encroachment. He filed

application for the same, which was wrongly dismissed by Learned Civil Judge (Junior Division) Ambala.

3. I have heard learned counsel for the petitioner and perused the whole file with his able assistance.

4. The main contention of the petitioner in the suit for mandatory injunction is that there is encroachment by respondents in front of his shop, situated in open market, thus, causing hindrance to the shop of the petitioner for which he moved an application under Order 26 Rule 9 CPC for appointment of Local Commissioner to look into the same. It has rightly been observed by Learned Civil Judge (Junior Division), Ambala that Order 26 Rule 9 CPC provides for commission to make local investigation wherein if the Court deems a local investigation to be requisite or appropriate for the purpose of elucidating in the matter in dispute, the Court may issue the commission of such person as it may think fit to direct him to make such investigation, report thereon to the Court. Whereas in the case of the petitioner, the evidence of encroachment can be led by the petitioner himself to prove his case.

5. Since in such kind of dispute, there is no requirement of appointment of Local Commissioner, therefore, I do not find any infirmity in the order dated 05.05.2025 (Annexure P-4) passed by Learned Civil Judge (Junior Division), Ambala.

6. Accordingly, in view of the above, the instant revision petition stands dismissed.

August 21, 2025
sailsh

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No