



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-4737-2025

Date of decision : 12.08.2025

Rambir

... Petitioner

Versus

Sudha Verma and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.P.R. Yadav, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 30.04.2025 (Annexure P-7), vide which the application of the petitioner for appointment of Local Commissioner for demarcation of the land has been dismissed by the Additional District Judge, Rewari.

2. Learned counsel for the petitioner has submitted that in the present case, a Local Commissioner was appointed by the Tehsildar who had inspected the property in question prior to filing of the suit and it is solely on the basis of said report, the suit filed by respondent no.1 for possession by way of demolition has been decreed. It is argued that although the present petitioner had applied for demarcation and the



demarcation was also done in pursuance of the said application and the said demarcation report has been produced by the respondent no.1-plaintiff as Ex.P37 but both the demarcations are not as per the High Court Rules and Orders and thus, along with the appeal, the petitioner had filed an application for demarcation which has been dismissed vide impugned order dated 30.04.2025. It is argued that in the said circumstances, the impugned order dismissing the application of the petitioner for appointment of Local Commissioner to demarcate the property is illegal and against law and the Ist Appellate Court should have allowed the application filed by the petitioner for appointment of revenue officer as Local Commissioner for demarcation of the land in dispute. In support of his arguments, learned counsel for the petitioner has referred to the judgment of Hon'ble the Supreme Court in the case of *Shreepat vs. Rajendra Prasad and others* reported as **2000(7) JT 379**.

3. This Court has heard learned counsel for the petitioner and has perused the paper book and finds that the present revision petition is meritless and deserves to be dismissed and the impugned order dated 30.04.2025 deserves to be upheld for the reasons stated hereinafter.

4. It is not in dispute that the respondent no.1-plaintiff had filed a suit for possession by way of demolition against the present petitioner who was impleaded as defendant no.2 and against three other persons. The said suit was decreed vide judgment and decree dated 06.10.2023. A perusal of the said judgment and decree would show that the respondent no.1-plaintiff



has relied upon the demarcation report dated 26.12.2015 which was duly exhibited as Ex.P6. The attendance sheet has also been exhibited as Ex.P5. It was further noticed by the trial Court that the Tehsildar, Rewari vide order dated 09.09.2015 had appointed the Local Commissioner to demarcate the land in question and in compliance with the same, even notice Ex.P4 was served upon the parties and attendance sheet Ex.P5 was prepared at the spot and demarcation was conducted and report dated 26.12.2015 (Ex.P6) was prepared along with site plan Ex.P7 and Ex.P8 and as per the said report, the present petitioner along with other defendants had encroached upon the land in question, as was the case of the respondent no.1-plaintiff. It was observed that a perusal of the demarcation report showed that the said demarcation was conducted with the help of DGPS machine and the petitioner was also present at the time of the said demarcation and had signed the attendance sheet Ex.P5. It was further observed that during the cross-examination of PW-1 Prabhu Dayal Girdawar, no fact came to light so as to create doubt on the demarcation report Ex.P6 which was tendered in evidence by him and that to rebut the said demarcation report, no site plan was produced by the petitioner-defendant. Reference was also made to the second demarcation report, which the learned counsel for the petitioner has fairly submitted was done on the application filed by the present petitioner but the said report was exhibited by the respondent no.1-plaintiff as Ex.P37. After considering the entire evidence on record and the demarcation report, the trial Court decreed the suit of the plaintiff.



5. An appeal against the said judgment and decree was filed by the petitioner. Thereafter an application for appointment of revenue officer as Local Commissioner was also moved before the Ist Appellate Court by the present petitioner and in the reply dated 08.01.2025 filed by the respondent no.1-plaintiff (Annexure P-4), a specific objection was raised to the effect that Prabhu Dayal Girdawar had already conducted the demarcation of the land in dispute and the said Local Commissioner was appointed by the Tehsildar Rewari on 09.09.2015 and due notice was given to the parties including the petitioner who had signed the attendance sheet Ex.P5. It was further specifically stated that the present petitioner did not raise any objection at the time of demarcation nor after the demarcation before the Tehsildar Rewari with respect to report Ex.P6 and that relevant witnesses appeared before the trial Court and duly proved the said report Ex.P6. In the reply it was further stated that the application was filed only to delay the proceedings.

6. The Ist Appellate Court dismissed the said application and observed that demarcation had been conducted by Prabhu Dayal, Halka Girdawar, who had also appeared as PW-1 and was cross-examined by the petitioner at length and the record pertaining to said demarcation report had been produced by the witness who was the Record Keeper and had appeared as PW-3. It was further observed that even second demarcation report Ex.P37 was also there on record and the same was in pursuance of the application filed by the present petitioner Ex.P35 and that the present



petitioner was present at the time of the said demarcation also and had signed the same as was apparent from the attendance sheet Ex.P38. Thus, both the demarcations had taken place in the presence of the petitioner.

7. From the abovesaid fact, it is apparent that the demarcation of the suit property had been conducted and the respondent no.1-plaintiff had led evidence to prove the demarcation report and the petitioner was given due opportunity to cross-examine the relevant witnesses and it is after considering the entire evidence as well as the demarcation report, which was stated to have been conducted with the help of DGPS machine, that the trial Court found that the suit of the plaintiff deserved to succeed. There is nothing to rebut the averment made by the respondent no.1-plaintiff in his reply dated 08.01.2025 that the petitioner did not raise any objection to the said demarcation report. In the said circumstances, after having suffered entire trial, moving of the present application at the appellate stage is apparently in order to delay the whole proceedings and to reopen the entire matter which is not permissible. In case the present application is allowed, then for the inaction/ negligence of the petitioner, de novo proceedings would be required to be initiated. Any subsequent report in pursuance of the application filed by the present petitioner at the appellate stage then would call for further objections and further evidence would be required to be led. The demarcation report annexed by the plaintiff-respondent no.1 is of the year 2015 and the present petitioner had every opportunity to rebut the same. The trial Court has found the said demarcation report to be in



accordance with law and has relied upon it. The said proceedings cannot be made negatory in view of the present application filed by the petitioner. Thus, the impugned order dated 30.04.2025 is in accordance with law and deserves to be upheld and the revision petition filed by the petitioner is meritless.

8. A perusal of Volume 1 Chapter 1 Part- M(i) of the High Court Rules and Orders, relied upon by the petitioner, would show that under the same, the Procedure in “Hadd Shikni” cases has been detailed and it has been stated that carrying out of local enquiry is generally desirable in suits of boundary dispute. The said provision does not give any absolute right to the petitioner to seek demarcation before the Ist Appellate Court after having suffered a decree. Moreover, in the present case demarcation has been carried out on two occasions and the demarcation reports are already on record.

9. Reliance placed upon the judgment of Hon’ble the Supreme Court in the case of *Shreepat (supra)* would also not further the case of the petitioner, inasmuch as, in the said case, although the dispute was with respect to identity of the property yet there was no demarcation report produced on record or called for and the suit of the plaintiff was decreed solely on the basis of oral evidence, which could not possibly be sufficient to establish the identity of the land. It is in the said circumstances that Hon’ble the Supreme Court while setting aside the judgment of the Courts, had remanded the matter to the trial Court. In the present case, there are two



demarcation reports which are already on record.

10. Keeping in view the above said facts and circumstances, the impugned order 30.04.2025 is in accordance with law and deserves to be upheld and is accordingly upheld and the present petition being meritless deserves to be dismissed and is accordingly dismissed.

11. Needless to say that the observations made in the present order are only for the purpose of adjudicating the present revision petition which challenges the order dated 30.04.2025 vide which the application filed by the petitioner for appointment of revenue officer as Local Commissioner before the Ist Appellate Court has been dismissed and the said observations would not be construed as final expression on the merits of the appeal filed by the petitioner. The Ist Appellate Court would decide the appeal independently after taking into consideration the entire evidence and after hearing all the parties, in accordance with law.

(VIKAS BAHL)
JUDGE

August 12, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No