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

CR-3894-2025 (O&M)

Date of Decision : 16.09.2025

Rajinder Singh Malik, HUF

... Petitioner(s)

Versus

Anita

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashwani Baskhi, Advocate for the petitioner.

Mr. Dinesh Arora, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 23.12.2024 (Annexure P-8 and P-9) whereby the objections filed by the petitioner to the Local Commissioner's report were dismissed by a non-speaking order as also the order dated 12.05.2025 (Annexure P-12) whereby an application filed for reviewing the order dated 23.12.2024 has been dismissed.

2. On 07.07.2025 the following order was passed :

“Learned counsel for the petitioner, at the outset, states that he does not wish to address arguments on the second application for appointment of a Local Commissioner and hence lays no challenge to the order dated 23.12.2024 (Annexure P-8).

It is the contention of the learned counsel for the petitioner that initially a Local Commissioner was allowed vide

order dated 06.04.2024 (Annexure P-4) and the Tehsildar, Sampla was appointed as a Local Commissioner. A report was submitted on 08.07.2024 (Annexure P-5). Objections were filed to the said report. However, the objections were dismissed vide a non-speaking order dated 23.12.2024. Even the review application, filed for review of the order dated 23.12.2024, was dismissed on 12.05.2025.

Notice of motion, returnable 13.08.2025.

Notice Re: stay as well.

'Dasti' as well. Liberty to serve the respondent through counsel representing her before the Court concerned."

3. Learned counsel for the petitioner states that at this stage he only wishes to challenge the impugned order on the ground that the objections have been dismissed by the Trial Court by a non-speaking order dated 23.12.2024. Subsequently, an application for review was filed which was also dismissed vide order dated 12.05.2025.

4. Learned counsel for the respondent would contend that two separate orders were passed on 23.12.2024 - one being Annexure P-8 vide which the second application filed by the petitioner for appointment of a Local Commissioner for demarcating the property of the defendant was dismissed and since a detailed speaking order was passed in the said application, there was no requirement to deal with the objections and, therefore, the order dated 23.12.2024 (Annexure P-9) cannot be stated to be a non-speaking order.

5. I have heard the learned counsel for the parties.

6. In the present case, on the first date when the present revision

petition was entertained, learned counsel for the petitioner had made a statement that he does not wish to challenge the order passed on the second application for appointment of a Local Commissioner for demarcating the land of the defendant. Vide two separate orders dated 23.12.2024 the objections raised by the petitioner were dismissed (Annexure P-9) and the second application filed for appointment of a Local Commissioner for demarcating the land of the defendant was also dismissed (Annexure P-8). A perusal of both the orders (Annexures P-8 and P-9) reveals that objections (Annexure P-6) as raised by the petitioner have not been dealt with. Infact, the objections have merely been dismissed on the basis of the order passed in the other application. The order (Annexure P-8) also does not deal with any of the objections which have been raised by the petitioner. In view thereof, the same cannot be sustained in law.

7. In view of the above, the order dated 23.12.2024 (Annexure P-9) and the order dated 12.05.2025 (Annexure P-12) are set aside. The matter is remanded to the Trial Court to decide the objections afresh in accordance with law.

8. Disposed off accordingly. Pending applications, if any, also stand disposed off.

9. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

16.09.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO