



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

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Civil Revision No.2486 of 2025 (O & M)**Date of decision :-28.04.2025****Sukhdev Singh and another****.....Petitioners****Versus****Bhupinder Singh and others****.....Respondents****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Naveen Batra, Advocate
for the petitioners.

NIDHI GUPTA J. (Oral)

Prayer in the present petition filed under Article 227 of the Constitution of India is for setting aside of order dated 18.3.2025 (Annexure P-5) passed by Civil Judge (Junior Division), Sri Anandpur Sahib, District Rupnagar whereby the learned trial Court has dismissed the application of the petitioners for appointment of Local Commissioner.

2. I have heard learned counsel for the petitioners and perused the case file in great detail.

3. The prayer of the petitioners is liable to be rejected in the first instance as it is established position in law, that an order allowing or rejecting application of either of the parties for appointment of Local Commissioner is not a revisable order. The present revision petition is not maintainable in view of judgment of this Court in "**Banarsi Dass v Sunita Rani @ Sarita Rani and**



others”, **Law Finder Doc Id # 827241**, wherein it has been held that order appointing or dismissing application for appointment of Local Commission is not revisable. Even two Division Benches of this Court in “**Harvinder Kaur v Godha Ram**”, 1979 PLJ 562 and “**Pritam Singh v Sunder Lal**”, 1990(2) PLR 191, have held that Revision Petition is not maintainable against an order of the Court below dismissing or allowing an application for appointment of Local Commissioner.

4. It is the consistent position in law, that an order refusing to appoint Local Commissioner does not decide any issue nor adjudicate any rights of the parties for the purpose of the suit and therefore, is not revisable. Refusing to appoint, or appointing, a Commissioner has nothing to do with the rights of the parties and it is purely the discretion of the Court. If the Court refuses to appoint, or appoints, a Local Commissioner, no right of the parties is prejudiced. It has further been held that the instrumentality of Court cannot be used to collect evidence on behalf of either party. Thus, orders allowing appointment, or rejecting appointment, of Local Commissioner, are not amenable to revisional jurisdiction.

5. Moreover, in the present case the learned Civil Judge has noticed in the impugned order that “.....*The present application for appointment of local commissioner has been filed by the applicants/plaintiffs in the present suit, which is simpliciter suit for permanent injunction. The grounds taken in the present application regarding nature, construction, boundary dispute etc. are required to be proved by the applicants/plaintiffs by leading cogent evidence.*”



So, keeping in view the fact that the present suit is simpliciter suit for permanent injunction, therefore, if the present application for appointment of local commissioner in the simple suit for permanent injunction is allowed, then it would amount to collecting the evidence which is not legally permissible....”.

6. Learned counsel for the petitioners is unable to controvert the legal position as noticed above.

7. In view of the above present petition is **dismissed**.

8. Pending application(s) if any also stand(s) disposed of.

April 28, 2025

Vijay Asija

(**NIDHI GUPTA**)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No