



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

CR-1707-2019 (O&M)

Date of Decision: August 22, 2025

JAGROOP SINGH

.....Petitioner

Versus

KEWAL SINGH AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J. S. Dadwal, Advocate for the petitioner.

Mr. Harish Sharma, Advocate for the respondent.

HARKESH MANUJA, J. (ORAL)

By way of present petition, prayer has been made for setting aside the order dated 01.11.2018 passed by learned Civil Judge (Jr. Division), Ludhiana whereby an application filed under Order 26 Rule 9 seeking appointment of Local Commissioner made at the instance of petitioner got dismissed.

2. Learned counsel for the petitioner submits that the suit filed at the instance of the petitioner was for declaration to the effect that petitioner-plaintiff was owner in possession of the suit property comprising Khewat No.25, Khasra No.1250/269, 270 situated at village Bhaini Wala (Bhaini Sahib), Tehsil and District Ludhiana on the basis of full and final agreement dated 06.10.1960 and the mutation thereof entered in the name of defendant Nos.1 and 2 was illegal, null and void. He submits that a prayer for injunction was also made for restraining respondent-defendants or their agents from interfering in the possession of petitioner-plaintiff.

3. Learned counsel also submits that in order to ascertain the factum of possession over the property in question, prayer was made for appointment of Local Commissioner which was opposed at the instance of respondents and same came to be rejected by learned trial

Court vide order dated 01.11.2018 which has been impugned by way of present revision petition. It has been further submitted that it was essential to appoint Local Commissioner so as to find out the factum of possession over the property.

3. On the other hand learned counsel for respondent-defendant submits that the issue of possession over the property in question needs to be proved by way of leading evidence and cannot be left to the Local Commissioner and thus, the application was rightly declined by the trial Court.

4. I have heard learned counsel for the parties and gone through paper book. I am unable to find substance in the submissions made on behalf of the petitioner.

5. In the suit for permanent injunction, the factum of ascertaining possession of the parties over the suit property needs to be established by way of adducing evidence and cannot be left to the Local Commissioner. Moreover, the object of appointment of Local Commissioner cannot be to collect evidence on behalf of the party.

6. Accordingly, in view of the aforesaid, no illegality or perversity can be found with the discretion exercised by learned trial Court while passing the impugned order and the revision petition is thus dismissed being devoid of merit.

22.08.2025

Tejwinder

(HARKESH MANUJA)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>