



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

**CR-437-2025 (O&M)
DECIDED ON: 23.01.2025**

RAM NARAYAN ALIAS NARAYAN DAS

.....PETITIONER

VERSUS

OM PARKASH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Prateek Pandit, Advocate
 for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The present petition is directed against the order dated 04.12.2024 (Annexure P-1) vide which the learned trial Court has accepted the version given by the Tehsildar to say that demarcation is not possible. Vide order dated 24.07.2024 (Annexure P-7) passed in *Civil Revision No.3513 of 2024*, a Co-ordinate Bench of this Court had passed the following directions :-

“In such circumstances, finding merit in the present revision petition, the same is allowed and the impugned order dated 06.09.2023 passed by the Addl. Civil Judge (Sr. Divn.), Tosham, Bhiwani is hereby set aside, thereby following the application moved under Order 26 Rule 9 CPC at the instance of petitioner/plaintiff seeking appointment of Local Commissioner and for effecting measurement/demarcation of plot/House No.121 situated in Ward No.10, Tosham, Tehsil Tosham, District Bhiwani.”

2. It appears that the Local Commissioner expressed his inability to conduct demarcation and was accordingly asked by the learned Trial Court to file an affidavit which was duly filed. After perusing the affidavit, the learned trial Court, by way of the impugned order, accepted the version of the



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Tehsildar.

3. Learned counsel for the petitioner submits that once a direction had been issued by a Co-ordinate Bench, the trial Court was bound to get the same complied with. He further submits that the order dated 24.07.2024 (Annexure P-7) does not talk of demarcation alone but also talks of measurement. Learned counsel submits that had measurement of the two plots in question been conducted, the truth would have come out.

4. I have considered the submissions made by learned counsel for the petitioner.

5. In view of the categoric directions passed by a Co-ordinate Bench, a direction is issued to the trial Court to re-examine the matter keeping in view the directions issued vide order dated 24.07.2024 (Annexure P-7) and ensure that the same are complied with.

The revision petition is accordingly disposed of.

23.01.2025
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No