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

CM-6899-CII-2025 and  
CM-6900-CII-2025 in/and  
CR-8378-2018 (O&M)  
Date of decision: 21.04.2025

Mani Singh @ Muni Lal (deceased) through his LRs ...Petitioner(s)

Versus

State of Haryana and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Arun K. Gupta, Advocate for the petitioner.

Mr. Jagdish Manchanda, Addl. A.G. Haryana.

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**VIKAS BAHL, J. (ORAL)**

**CM-6899-CII-2025**

1. This is an application filed under Section 151 of CPC for restoration of the case and recalling of order dated 18.07.2024.

2. For the reasons stated in the application which is duly supported by an affidavit, the present application is allowed and order dated 18.07.2024 is recalled and the main case is restored to its original number and is taken up on Board today itself for final disposal.

**CM-6900-CII-2025**

1. This is an application filed under Order 22 Rule 3 read with Volume 5 Chapter 1(c) Rule 2 of the Punjab and Haryana High Court Rules and Orders for impleading the legal representatives of the petitioner.

2. For the reasons stated in the application which is supported by



an affidavit, the present application is allowed and legal representatives of the petitioner-Mani Singh are ordered to be impleaded as party subject to just exceptions and solely for the purpose of pursuing the main petition and the same would not be construed as an adjudication on the entitlement of the estate of the petitioner.

3. Amended memo of parties is taken on record.

**Main case**

1. This is a revision petition filed under Article 227 of the Constitution of India against the order dated 13.01.2017 (Annexure P-4) passed by the Additional Civil Judge (Senior Division), Kalka, whereby the application for appointment of local Commissioner to demarcate the suit land has been dismissed.

2. It would be relevant to note that the Division Bench of this Court in the case of “**Pritam Singh Vs. Sunder Lal**”, reported as **1990 (2) PLR 191** had observed that the order refusing to appoint a Local Commissioner does not decide any issue nor adjudicates rights of the parties for the purpose of the suit and is therefore not revisable. Learned Single Judge, vide judgment dated 18.07.2022 passed in **Civil Revision No.2752 of 2022** in case titled as “**Harchand Vs. Karambir Singh and another**”, by placing reliance upon the above-said judgment of Division Bench and also the judgment of the learned Single Bench in “**Raksha Devi Vs. Madan Lal and others**”, reported as **[2017 (3) PLR 249]**, had observed that no revision would be maintainable against an order dismissing an application for appointment of a Local Commissioner. The relevant portion of the said judgment in ***Harchand's*** case (supra) is reproduced as under: -



*“4. Learned counsel appearing on behalf of the plaintiff-petitioner has contended that the appointment of the Local Commissioner would be necessary in order to bring on record the existing position of the suit property.*

*5. Heard.*

*6. In the present case the challenge is to the order dismissing the application for appointment of a Local Commissioner. A Division Bench of this Court in the case of Pritam Singh Vs. Sunder Lal [1990(2) PLR 191] inter-alia held as under :*

*“6. After going through the judgments cited in the reference order, we do not find that the earlier judgment in Harvinder Kaur's case (supra) requires any reconsideration. The order refusing to appoint a local commissioner does not decide any issue, nor adjudicates rights of the parties for the purpose of the suit and is, therefore, not revisable. The distinction sought to be made by the learned Single Judge in view of the Judgment in M/s Sadhu Ram Bali Ram's case (supra) was clearly noticed by the Division Bench in Harvinder Kaur's case (supra) and it was observed:*

*“It may be observed that the facts of M/s Sadhu Ram Bali Ram's case were different as in that case the onus of an issue had been wrongly placed and while deciding that question, it was held that such an order would be revisable.”*

*Apart from that, placing the onus of an issue has something to do with the rights of the parties whereas refusing to appoint a Commission under Order 26, Rule 9, Code of Civil Procedure, has nothing to do with the rights of the parties as such. It is the discretion of the Court to appoint a Commission there under and if the Court refuses to appoint a Commission, then no right of any*



*party can be said to be prejudiced as such.”*

7. *Similar view has been taken by this Court in the case of Smt. Raksha Devi Vs. Madan Lal & Ors. [2017(3) PLR 249] wherein it has categorically been held that no revision would be maintainable against an order dismissing an application for appointment of a Local Commissioner. It is trite that an order refusing to appoint a Local Commissioner does not decide any issue nor does it adjudicate any rights of the parties for the purpose of the suit and hence would not be a revisable order.*

8. *In view of the law laid down by the Division Bench of this Court, I do not find any illegality or irregularity in the order passed by the Court below.*

9. *The revision petition is accordingly dismissed. Pending applications, if any, also stand disposed off.”*

3. Learned counsel for the petitioner(s) has submitted that in view of the abovesaid judgment, the petitioner(s) be permitted to withdraw the present revision petition with liberty to lead independent evidence in support of his case as it is stated that the case is still at the stage of plaintiff's evidence.

4. In view of the above, the present revision petition is dismissed as withdrawn with liberty aforesaid.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

**21.04.2025**

*Pawan*

**(VIKAS BAHL)**  
**JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**