



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

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**Civil Revision No.3134 of 2025 (O & M)**

**Date of decision :-21.05.2025**

**Faqiria (now deceased) through LRs and others**

**.....Petitioners**

**Versus**

**Rajinder Kumar**

**.....Respondent**

**CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Simranjeet Singh Sarwara, Advocate  
for the petitioners.

**NIDHI GUPTA J. (Oral)**

Prayer in this revision petition is for setting aside the order dated 29.4.2025 (Annexure P-6) passed by learned Civil Judge (Jr. Divn.), Rajpura in Execution Petition No.69 of 2022 titled as "Rajinder Kumar vs. Faqiria and others" vide which the application of the petitioner for appointment of any revenue official to demarcate the exact location, metes and bounds of the suit property and to submit the report regarding the same has been dismissed.

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.

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.

At this stage, learned counsel for the petitioner prays for withdrawal of the present petition.

Permitted to do so.

Dismissed as withdrawn.

Pending application(s), if any, shall stands disposed of.

May 21, 2025

Vijay Asija

( **NIDHI GUPTA** )  
**JUDGE**

Whether speaking/reasoned Yes / No  
Whether Reportable Yes / No