



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

CR-6519-2025

Date of Decision: 16.09.2025

DAVINDER SINGH

....Petitioner

Versus

SURJIT SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Sudhir Paruthi, Advocate
for the petitioner.

Parmod Goyal, J. (Oral)

The present revision petition has been preferred by the petitioner/defendant being aggrieved by order dated 27.08.2025, vide which application for appointment of local commissioner for demarcation of property of one Surinder Khullar, owner/occupant of House No.224, Model Town, Jalandhar was dismissed.

2. In the present case, admittedly plaintiffs/respondents had filed a suit for declaration and injunction claiming themselves to be joint owners with defendants No.2 to 4 of House No.225, Model Town, Jalandhar. Defendant No.1 is stated to be owner of property No.418-L, Model Town, Jalandhar and it is the case of plaintiff that part of House No.225 has been encroached upon by defendant No.1. Defendant No.1 earlier filed his written statement, however, he sought amendment of the same by moving application under Order VI Rule 17 CPC, which was allowed vide order dated 15.07.2025 and by way of amended petition, defendant No.1 has taken a stand that it is not him who had encroached upon House No.225, but it is one Surinder Khullar, who is owner of House No.224 who has encroached



upon portion of house of plaintiff. Thereafter, he has moved an application for appointment of local commissioner for demarcation of house of Surinder Khullar.

2. It is pertinent to note that earlier plaintiff had also moved an application for appointment of local commissioner seeking demarcation of property No.418-L and No.255, Model Town, Jalandhar. The said application was dismissed vide order dated 10.07.2017. The onus to prove encroachment is upon plaintiff, that onus is yet to be decided as evidence of plaintiff is going on.

3. Defendant is seeking to prove encroachment by third party, who is not party to the *lis*. Defendant at the most can show that he has not made the encroachment, however, he chose to move application for appointment of local commissioner to demarcate the property of Surinder Khullar.

4. Accordingly, the application was rightly dismissed by learned Court of first instance as defendant No.1 has got no *locus* to get demarcation of property of a person who is not even party to the suit, however, it is made clear that defendant No.1/petitioner shall be free to show that he has not made any encroachment in accordance with law by leading his evidence as per his turn.

5. In view of the above, the present petition stands dismissed.

(PARMOD GOYAL)
JUDGE

16.09.2025
chiranjeev

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No