



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

118

CR-7172-2025 (O&M)

Date of Decision: 09.10.2025

Jatinder Kapoor

.... Petitioner

Versus

Sourav Garg

.... Respondent

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

Present: - Mr. JS Dadwal, Advocate for the petitioner.

**NIDHI GUPTA, J. (ORAL)**

1. Prayer in the present revision petition is *inter alia* for setting aside the impugned order dated 13.08.2025 (Annexure P-1) passed by the learned Rent Controller, SAS Nagar (Mohali), whereby the application filed by the respondent-landlord for appointment of Local Commissioner was allowed.

2. I have heard learned counsel for the parties and perused the case file in great detail.

3. The prayer of the petitioner 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.

4. It is the consistent position in law, that an order dismissing or allowing the application 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.

5. Learned counsel for the petitioner is unable to controvert the legal position as noticed above.

6. In view of the above present petition is **dismissed**.

7. Pending application(s) if any also stand(s) disposed of.

09.10.2025  
*rishu*

( NIDHI GUPTA )  
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No