



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CR-5538-2025 (O&M)

Date of Decision: August 28, 2025

Pushpinder Kumar

.....Petitioner

Vs.

Ishwar Singh

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Sanyam Khetarpal, Advocate  
for the petitioner.

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**SUDEEPTI SHARMA J. (Oral)**

1. The present revision petition is filed for setting aside order dated 22.07.2025 passed by learned Civil Judge (Jr. Divn.) Yamuna Nagar in Civil Suit bearing No. **CS/2830/2023**, whereby the earlier order dated 02.04.2024 allowing the appointment of Local Commissioner has been declared infructuous.

2. Learned counsel for the petitioner contends that when the application of the petitioner for appointment of Local Commissioner was allowed on 02.04.2024, he paid the fee of Rs.3000/- fixed by the Court and the report of the Local Commissioner was to be submitted by 21.05.2024. Thereafter, for awaiting the report of Local Commissioner, the matter was adjourned and on 06.03.2025, the Local Commissioner moved an application before the Court of learned Civil Judge (Jr. Divn.) cum JMIC, Yamunanagar in Case No. **CS/2830/2023** and stated that demarcation is not possible without DGPS Machine. Though the petitioner was ready to pay the charges of DGPS Machine, still without hearing him and without granting him liberty to provide DGPS Machine on rent basis, the learned Civil Judge (Jr. Divn.) Yamuna Nagar passed the impugned order dated 22.07.2025



stating therein that the application for appointment of Local Commissioner allowed on 02.04.2024 stands infructuous.

3. Learned counsel for the petitioner submits that the petitioner is ready to pay the charges of DGPS Machine so that demarcation be carried out, which is necessary for proper adjudication of the case.

4. I have heard learned counsel for the petitioner and perused the whole file of this case with his able assistance.

5. A perusal of the file shows that vide order dated 02.04.2024, the fee of Local Commissioner was fixed at Rs.3000/- to be paid by the petitioner. After the report of the Local Commissioner, the case was adjourned to 21.05.2024. Thereafter, the matter was adjourned awaiting the report of the Local Commissioner. It was because of the delay on the part of the Local Commissioner in informing the Court that for demarcation, DGPS Machine is required, the matter was adjourned. The petitioner was not responsible for the adjournments sought by the Local Commissioner since the petitioner was never informed regarding the requirement of DGPS Machine. And it was for the first time on 06.03.2025, the application was moved by the Local Commissioner before the Court stating therein that Demarcation is not possible without DGPS Machine. Thereafter, vide order dated 22.07.2025, the learned Civil Judge (Jr. Divn.) Yamunanagar ordered that the application allowed on 02.04.2024 for appointment of Local Commissioner was rendered infructuous.

6. A perusal of the order dated 22.07.2025 and all the zimini order shows that the petitioner was not even informed about the amount to be deposited by him for DGPS Machine, therefore, there was no delay on the part of the petitioner regarding the submission of the report.



7. In view of the above, the revision petition is allowed. Order dated 22.07.2025 passed by learned Civil Judge (Jr. Divn.) Yamuna Nagar in Civil Suit bearing No. **CS/2830/2023** is set aside to the extent of ordering the application allowed on 02.04.2024 for appointment of Local Commissioner to be infructuous. Learned Civil Judge (Jr. Divn.) Yamuna Nagar is directed to grant one last opportunity to the petitioner to pay the charges of DGPS Machine to the Local Commissioner so that demarcation can be done. Further order dated 02.04.2024 whereby the application of the petitioner for appointment of Local Commissioner was allowed, is revived.

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

**August 28, 2025**

Gaurav Arora

**(SUDEEPTI SHARMA)**  
**JUDGE**

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes/No