

2025:PHHC:102021



125-a **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-3104-2025 (O&M)
Decided on:-07.08.2025

Inderjit KaurPetitioner..

vs.

Balwinder KaurRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.S. Swaich, Advocate with
Ms. Tejinder S. Salana, Advocate,
for the petitioner.

Mr. Parvinder Singh, Advocate,
for the respondent.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been laid to the orders dated 29.01.2025 and 11.04.2025 passed by the Court of learned Additional Civil Judge (Senior Division), Amloh, whereby a Local Commissioner was appointed and later objections filed against his report by the petitioner were dismissed; besides laying challenge to the report dated 11.02.2025 submitted by the Local Commissioner as well.

2. In the present case, dispute relates between the two sisters regarding the estate left by their deceased-father, namely Ajit Singh, who constructed two residential houses in Village Kukar Majra, now within the municipal limits of Mandi Gobindgarh. The two houses were situated in Khasra No.661/111 (0 bigha-06 biswa) and khasra No.92 (0 bigha 3 biswa)

respectively. After the death of their parents, the dispute arose between the two sisters and two separate suits i.e. one suit for partition as well another suit for rendition of accounts were preferred by the respondent herein.

3. The present revision petition is an offshoot of the suit for rendition of accounts. The Trial Court vide judgment and decree dated 26.03.2013 decreed the suit for rendition of accounts in favour of respondent-plaintiff. The appeal preferred against the same at the instance of petitioner-defendant was dismissed by the First Appellate Court vide its judgment and decree dated 16.09.2013, followed by dismissal of Regular Second Appeal No.613-2014 vide decision dated 27.08.2018 by this Court. In the meanwhile, the respondent-plaintiff moved an application on 14.03.2016 for grant of final decree in the suit for rendition of accounts, wherein, issues were framed on 01.09.2021 and the parties led their respective evidence. During its pendency, the Court vide its order dated 01.02.2024 directed the petitioner-defendant to render the accounts. The petitioner-defendant having failed to comply with the same; the respondent-plaintiff (decree-holder) filed an application for appointment of local commissioner, which came to be allowed vide order dated 29.01.2025 thereby appointing Sh. S.C. Luttava, Advocate, Civil Court, Amloh as the Local Commissioner.

4. The Local Commissioner in consultation with both the parties and upon examination of the records submitted his report before the learned Trial Court on 11.02.2025. Aggrieved thereof, the petitioner-judgment debtor filed objections to the same, which were dismissed by the learned Trial Court vide order dated 11.04.2025. As already stated herein above, the present revision petition lays challenge to the order dated 29.01.2025 i.e. to

the appointment of Local Commissioner, besides laying challenge to the order dated 11.04.2025, whereby the objections preferred at the instance of petitioner-judgment debtor to the report submitted by the Local Commissioner were dismissed.

5. Learned counsel for the petitioner submits that the Trial Court was required to accept the objections preferred at the instance of judgment debtor as the Local Commissioner never ever visited the spot so as to examine the condition of two houses. He also submits that the Local Commissioner relied upon those documents for the purpose of assessment of rent, which were never proved on record and thus, inadmissible in evidence at this stage.

5.1 Learned counsel also submits that the assessment of rent, being adjudicatory in nature, was required to be done by the Court itself and not by the Local Commissioner. He also questioned the method of assessment adopted by the Local Commissioner and thus, prayed that the impugned orders were liable to be set aside.

6. On the other hand, learned counsel appearing on behalf of the respondent-decree holder submits that in the wake of evidence available on record, the visit of Local Commissioner to the spot was not essential. He also submits that the report of the Local Commissioner was at best a piece of evidence and thus, not to be treated as an act of adjudication on his part as the final decision was to be taken by the trial Court only and thus, the present revision petition being meritless was liable to be dismissed.

7. I have heard learned counsel for the parties and gone through the paper book. I am unable to accept the contentions raised on behalf of the petitioner.

8. With respect to the challenge having been laid to the order dated 29.01.2025, it may be pointed out here that once the petitioner-judgment debtor, in pursuance to the passing of the said order appeared before the Local Commissioner and made her submissions, she was estopped from assailing the same after the report was submitted by the said Local Commissioner and thus, no merit can be found with respect to the challenge being made to the order dated 29.01.2025.

8.1 Further, in the humble opinion of this Court, no material evidence at all has been produced on record to substantiate the objections to the report of Local Commissioner which reflects that the same have been aimed at delaying the execution of the decree only. In addition, no prayer was ever made by the petitioner to cross-examine the Local Commissioner. Moreover, the petitioner even did not comply with the order dated 01.02.2024 passed by the learned Trial Court whereby she was directed to render the accounts.

8.2 Besides it, with respect to the challenge laid to the order dated 11.04.2025, whereby, the objections filed at the instance of petitioner-judgment debtor to the report dated 11.02.2025, submitted by the Local Commissioner were dismissed; in the humble opinion of this Court, no cause is made out, at this stage, as the appointment of Local Commissioner in such proceedings is merely for the purpose of assistance to the Court and its relevance needs to be discussed and deliberated upon during the course of proceedings on the application for award of final decree by the learned Trial Court itself and in case the Court is not satisfied with the report and it requires any further assistance, the Local Commissioner can always be called upon to assist the Court accordingly; the report being suggestive in

nature. In such circumstances, the order dated 11.04.2025 calls for no interference.

9. Accordingly, the present petition stands dismissed.

10. However, considering the fact that the Regular Second Appeal No.613-2014 filed at the instance of petitioner-judgment debtor was dismissed by this Court on 27.08.2018 and the application for grant of final decree in rendition of accounts proceedings is pending since March 2016, the Trial Court is requested to expedite the proceedings and conclude the same preferably within a period of 03 months from today.

11. Pending applications, if any, also stand disposed of.

07.08.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No