



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

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**Civil Revision No.3115 of 2025 (O & M)**

**Date of decision :-22.05.2025**

**Gurbachan Singh**

**.....Petitioner**

**Versus**

**Mukhtiar Singh and others**

**.....Respondents**

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

Present:- Mr. Naveen Batra, Advocate  
for the petitioner.

**NIDHI GUPTA J. (Oral)**

Present petition under Article 227 of the Constitution of India seeking setting aside/quashing of impugned order dated 07.5.2025 (Annexure P-5) passed by Civil Judge (Junior Division), Sri Anandpur Sahib, District Rupnagar whereby the application filed by the petitioner for appointment of Local Commissioner to visit the spot and to report regarding the actual and factual position of suit land by way of demarcation has been dismissed.

2. I have heard learned counsel for the petitioner 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 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.

5. Moreover, in the present case the learned Civil Judge (Jr. Divn.), Sri Anandpur Sahib in the impugned order dated 07.5.2025 (Annexure P-5) has noticed as under :-

*“....Through the application in hand, appointment of local commissioner has been sought on the ground that in their written statement, defendants have admitted that adjoining to their property, Khasra No.437 is adjacent from eastern side and passage is*



*situated since more than 15 years and every person of locality is suing said passage without any interruption. That defendants have also alleged that they are in exclusive possession as per their alleged site plan and the matter in dispute can be settled by way of proper demarcation of the land for which local commissioner is required to be appointed. On the other hand, defendants have raised the contention that the present suit is only for permanent injunction and local commissioner cannot be appointed in suit for permanent injunction for collecting evidence. This Court is of the considered view that in the present suit for permanent injunction, local commissioner can not be appointed as there are iota of judgments in which it has been specifically held that in the suits for bare injunction, parties should not be allowed to appoint local commissioner for collecting the evidence in their favour, rather it is the duty of the party to prove his case on his own legs by leading sufficient cogent and convincing evidence on record....”.*

6. Learned counsel for the petitioner is unable to controvert the legal position as noticed above.
7. In view of the above present petition is **dismissed**.
8. Pending application(s) if any also stand(s) disposed of.

May 22, 2025  
Vijay Asija

( NIDHI GUPTA )  
JUDGE

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