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

CR-7708-2017 (O&M)

Date of Decision : 11.08.2025

SAJJAN SINGH

.... Petitioner

VERSUS

AMRIK SINGH

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sunny K. Singla, Advocate for the petitioner.

Mr. Jai Bhagwan, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed challenging the order dated 24.10.2017 passed by the learned Additional Civil Judge (Senior Division), Malerkotla dismissing the application filed by the plaintiff-petitioner for appointment of a Local Commissioner for measurement and demarcation of the property of the defendant-respondent.

2. Brief facts relevant to the present *lis* are that initially a suit for permanent prohibitory injunction was filed by the plaintiff-petitioner herein for restraining the defendant-respondent from forcibly, illegally and without due course of law dispossessing the plaintiff-petitioner from the plot measuring 0-6 Biswas on the basis of registered sale deed dated 03.08.1999. It was further averred in the plaint that the defendant-respondent had no concern with the said 6 Biswas of land. Written statement was filed. Status quo order was granted by the Trial Court on 21.12.2012. Subsequently,

despite the status quo order and during the pendency of the suit, the plaintiff-petitioner was dispossessed from the suit property hence an application for amendment of the plaint seeking the relief of mandatory injunction was filed. The said application was allowed. Written statement was again filed. The plaintiff-petitioner also filed an application under Order 39 Rule 2A CPC for violation of the order dated 21.12.2012. During the proceedings in the application filed under Order 39 Rule 2A CPC, an application for appointment of a Local Commissioner for demarcation of the property was filed by the plaintiff-petitioner. The said application was allowed and the Local Commissioner was appointed. The directions given are as under :

'Accordingly, this Court has come to the conclusion that demarcation has not been conducted by the Local Commission as per the procedure mentioned in Chapter-I Part M(1) of Rules and Orders of Punjab and Haryana High Court and Halqa Kanungo, Tehsil Malerkotla is hereby appointed as Local commissioner with the direction to demarcate the suit property as to whether suit property falls in Khasra No.3132/2903/951/1-6, 2906-2540/952/3-0, 2907/953/0-16, 2908/953/0-6, 2542/954/3-10, 3123/955/3-4 and after giving notice to both the counsel/parties. One copy of this order be sent to the Local Commissioner. Dasti be also issued if desired.'

The report given by the Local Commissioner was that the plaintiff-petitioner, namely, Sajjan Singh son of Wadhwa Singh was co-sharer of 6/242 share i.e. 0-6 Biswas out of the entire Khasra number of land measuring 12 Bigha 2 Biswas. At the time of rebuttal and arguments, another application was filed for appointment of a Local Commissioner which was dismissed vide impugned order dated 24.10.2017 holding that the Local Commissioner had already given his report which is exhibited as Ex.P-6.

3. In view of the fact that the Trial Court has already opined that the report of the Local Commissioner (Ex.P-6) was already on the record, the present revision petition is disposed off clarifying that in case the Trial Court feels the need for any further demarcation in order to draw up the decree, it would do so in order to put the entire controversy at rest. Pending applications, if any, also stand disposed off.

4. Needless to say that any observations made herein shall not be treated as an expression of opinion on the merits of the case.

11.08.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No