

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Review Petition No. 228 of 2012.

Date of decision: 31.12.2012.

Shri K.R. Verma, son of Shri Dila Ram, resident of Verma Building, New Tutu, Shimla-II.

..... Petitioner/appellant/plaintiff.

Versus

1. Shri Rajinder Singh, son of Shri Krishan Singh alias Prem Singh, employed in the office of Government of India Press, Shimla-171 004.
2. Shri Devender Singh, son of late Shri Varinder Singh, resident of Village Chair, Post Office Ghana Hatti, Tehsil and District Shimla.
3. Smt. Meera Devi. d/o late Shri Krishan Singh alias Prem Singh, wife of Shri Puran Chand Bhardwaj, resident of Shyam Cottage, Sector-1, New Shimla.
4. Smt. Santosh, d/o late Shri Krishan Singh alias Prem Singh, wife of Shri Bhagat Ram Verma, resident of Bhagat Ram Verma Building, New Tutu, Shimla-II.
5. Smt. Pushpa Devi, d/o late Shri Krishan Singh alias Prem Singh, wife of Shri Naveen Sharma, Photographer at Chail, Tehsil and District Shimla.
6. Smt. Radha Devi (deleted vide order dated 19.07.2012).
7. Smt. Krishna Devi, widow of late Shri Krishan Singh alias Prem Singh, resident of Bhagat Ram Verma Building, New Tutu, Shimla-I.

.... Respondents/Defendants.

Review Petition under Order 47 Rule 1 of the CPC

Coram

The Hon'ble Mr. Justice Kuldip Singh, Judge.

Whether approved for reporting?¹ .No

For the Petitioner : Mr. Ashok Sood, Advocate.

For the Respondents : None.

Kuldip Singh, J(Oral)

The learned counsel for the petitioner has stated that in the judgment dated 14.9.2012 in RSA No.442 and 416 of 1999; the

Whether the reporters of the local papers may be allowed to see the Judgment? Yes

Court has erred in not appointing fresh Local Commissioner while rejecting the report Ex.PW-5/A and Aks Sajra. Ex.PW-5/B. It has been submitted that once the Court has come to the conclusion and rejected report Ex.PW-5/A and Aks Sajra Ex.PW-5/B the Court should have appointed fresh Local Commissioner to demarcate the land.

2. In the judgment dated 14.9.2012, the demarcation report Ex.PW-5/A and Aks Sajra Ex.PW-5/B have not found to be conducted and prepared in accordance with law. The scope of review is very limited. It has not been contended that at the time of hearing of the appeal in alternative the plea was made that in case the Court comes to the conclusion in rejecting the demarcation report Ex.PW-5/A and Aks Sajra Ex.PW-5/B then fresh demarcation report and Aks Sajra be called. In these circumstances, there is no error apparent on the face of record. The Court in detail has considered the demarcation report Ex.PW-5/A and Aks Sajra Ex.PW-5/B in the judgment dated 14.9.2012 and thereafter rejected the same. No case for issuing notice in the review petition has been made out. Hence review petition is dismissed.

December 31, 2012
(sks)

(Kuldip Singh),
Judge.