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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.5954/2011
Date of decision: 01.11.2011.

Baldev Raj

.....Petitioner

v.

Smt.Kamla Devi etc.

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present: Mr.R.D.Sharma,Advocate for the petitioner.

Jaswant Singh.J.(Oral)

Decree holder-petitioner who has a decree dated 27.10.2005 restraining the defendants from interfering in his possession over the suit land, has filed the present revision petition challenging the order dated 1.8.2011(P6) whereby his application under Order 26 Rule 9 CPC for appointment of a Local Commissioner has been dismissed by the learned Executing Court in the application filed by the petitioner/DH under Order 21 Rule 32 CPC alleging violation of decree.

It is evident that the learned Executing Court has declined to order for appointment of Local Commissioner on the premise that the process of the court is not to be used to collect evidence in support of the plea raised by the petitioner.

After arguing for sometime, learned counsel for the petitioner seeks permission to withdraw the revision petition with liberty to pursue the remedy available to him in accordance with law at appropriate stage.

Ordered accordingly.

01.11.2011
joshi

(Jaswant Singh)
Judge