

RFA No.317 of 2008

15.07.2015

Present: Mr. T.S.Chauhan, Advocate, for the appellants.

Mr. Bimal Gupta, Advocate, for respondent No.1.

CMP No.7507 & 7508 of 2015

In terms of the order dated 19.11.2008, the respondents herein have been restrained from interfering with the possession of the appellants. The parties have also been directed to maintain status quo with regard to the possession, nature and tile of the suit property.

From the material so placed on record, quite apparently and undisputedly, construction is being raised by the respondents. Whether it is in violation of the order or not is a question which needs to be considered and examined in detail.

For the time being, interest of justice would be met if a Local Commissioner is appointed to ascertain the factual position on the ground. Accordingly, with the consent of the learned counsel for the parties, Sh. R.S.Verma, learned Additional Advocate General, is appointed as a Local Commissioner. He shall visit the spot after giving prior notice to the parties. He shall have the land

demarcated through the Revenue agency and officials and submit a report with regard to the violation, if any of the order in question. Also, if necessary, police assistance shall be rendered by the SHO, Kullu.

Report be submitted within a period of three weeks from today. Fee of Rs. 30,000/-of the Local Commissioner shall be borne by both the parties equally. Parties shall arrange conveyance, boarding and lodging of the Local Commissioner.

List on 19.08.2015.

Copy dasti.

(Sanjay Karol), J.

July 15, 2015
(Shankar)