

9.07.2015

Present:- Mr. B.N.Sharma, Advocate, for the appellants.

Mr. Ajay Kumar Sood, Sr. Advocate with Mr. Dheeraj Vashisht, Advocate for the respondent.

CMP No.6177 of 2015

Undisputedly, the operation of the judgment and decree passed by the Courts below has not been stayed by this court.

In terms of the decree, the appellants herein, have been restrained from changing the nature of the suit land comprising in Khata Khatauni No. 903/1039, Khasra No.3976, measuring 0-17 bighas situated in Phati Nirmand, Kothi Himri, Tehsil Nirmand, District Kullu,HP.

From the material so placed on record, quite apparently and undisputedly, construction is being raised by the present appellants. Whether it is in violation of the decree 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 of 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 judgment and decree in question. Also, if necessary, police assistance shall be rendered by the SHO, Nirmand.

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 06.08.2015.

Copy dasti.

July 9, 2015
(Shankar)

(Sanjay Karol),J.

