

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

**Civil Revision No.1004 of 2015 (O&M)
Date of Decision: February 13, 2015.**

Banarsi Dass

.....PETITIONER(s).

VERSUS

Ashok Kumar

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Ravinder Kaur Manaise, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

Heard.

Learned counsel for the revision petitioner, who is a tenant in the premises situated at Bata Chowk, Sadar Bazar, Gurdaspur moved an application for the appointment of local commissioner for inspection of newly constructed premises by the respondent-landlord and prepare a site plan showing its boundaries and dimensions. The same was declined by the Rent Controller.

Learned counsel for the revision petitioner has argued that the respondent-landlord has sought ejectment of the revision petitioner-tenant from a shop measuring 15' X 10', while he himself has converted a big godown into shop and to determine this fact, appointment of local

commissioner is required but the Rent Controller has wrongly dismissed the application with the observation that the same has been filed to delay the proceedings.

It is a well settled law that local commissioner cannot be appointed in a case to collect evidence. The apparent purpose of the application filed by revision petitioner was to collect the evidence through the local commissioner. The revision petitioner-tenant wants that local commissioner should go to the spot, prepare the site plan showing boundaries and dimensions of the newly constructed shop. This job can be got done by the revision petitioner through a draftsmen. If the revision petitioner intends to prove on record the existence of another shop having particular dimensions, the same could be proved by leading evidence and the appointment of local commissioner is not at all required for the purpose.

This revision petition has no merits. Dismissed.

February 13, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE