

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

CR No.1692 of 2015

Date of decision : March 10, 2015

Radhey Shyam

..... Petitioner

Versus

Vinay Kumar and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE GURMIT RAM

1. To be referred to the Reporters or not? No / Yes
2. Whether the judgment should be reported in the Digest? No / Yes

Present : Mr. Gopal Sharma, Advocate,
for the petitioner.

GURMIT RAM, J.

1. This civil revision petition has been filed by the petitioner (tenant) against the order dated 26.02.2015 (Annexure P-1) passed by the learned Civil Judge (Junior Division), Rewari vide which the application for issuance of direction to respondent No.1 (landlord) to allow the building expert and photographer to inspect the first floor/roof of the shop in dispute has been dismissed.

2. Learned counsel for the petitioner heard.

3. He has contended that the petitioner (tenant) wants to inspect the first floor/roof of the shop in dispute through a building expert / photographer in order to ascertain the fact that roof of the demised shop is

in good condition and the construction over the shop in dispute is recent one.

4. In the case in hand the demised shop is situated on the ground floor and the first floor made on it is in possession of respondent No.1 (landlord). There is no need to get inspected the roof of the demised shop and the first floor made on it from any building expert / photographer for the reasons the same is in the possession of the respondent (landlord) and further more the demised shop is on the ground floor. The matter would have been different had the demised shop been a single storey building. So there is nothing wrong in the impugned order.

5. This revision petition being meritless stands dismissed and disposed of accordingly.

6. However, it is made clear that if the petitioner (tenant) moves an application for the inspection of the demised shop from any building expert and photographer, then in that eventuality the concerned Court is directed to deal with the same in accordance with law.

March 10, 2015

Gaurav Sorot

**(GURMIT RAM)
JUDGE**