

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

**CR No.1750 of 2015 (O&M)
Date of decision : March 26, 2015**

Sanjay Gupta

..... Petitioner

Versus

Smt. Savita Rani

..... Respondent

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. Avnish Mittal, Advocate,
for the petitioner.

GURMIT RAM, J.

CM-5112-CII-2015

Allowed as prayed for subject to all just exceptions.

CM stands disposed of.

CR-1750-2015

1. This revision petition is of the petitioner (tenant) assailing the order dated 24.02.2015 passed by the learned Rent Controller, Ambala vide which his application for allowing the expert to visit and inspect the portion in occupation of Sunil Kumar alias Battak Lal resident of 3633 to 3636, Ambala Cantt, i.e. adjoining portion of the premises in question and further

allowing him to visit and inspect the portion of ground floor, first floor in occupation of the respondent (landlord) and also to inspect the tenancy premises and to take its photographs has been declined.

2. In reply to this application, the respondent (landlord) took the plea that the property bearing house No.3633 to 3636 is owned by Sunil Kumar alias Battak Lal, which is adjoining to the demised premises. None of the parties has got any right to inspect the property of third person, who is not party to the proceedings.

3. After hearing the learned counsel for both the parties, the learned Rent Controller declined the abovesaid application vide the impugned order.

4. Feeling aggrieved from this order the petitioner (tenant) has come up in the instant revision petition.

5. Learned counsel for the petitioner (tenant) has contended that demised premises is part of a big building, which is in possession of the present respondent (landlord) and one Sunil Kumar alias Battak Lal. It is further his contention that in order to decide as to whether the demised premises is unfit and unsafe for human habitation, the inspection of abovesaid entire building from any expert is required. It is admitted fact that Sunil Kumar alias Battak Lal is not a party to the ejectment proceeding nor his property is in dispute in this case. The petitioner (tenant) can lead evidence regarding physical condition of the demised premises for adjudicating the fact as to whether it is unfit and unsafe or not for human habitation by examining the same from any building expert as well as from any photographer which permission has already been granted to him by the

learned Rent Controller vide the impugned order. There is no need to inspect the property of any person who is not a party to the litigation or the property which is not the subject matter of litigation. So there is no infirmity in the impugned order and the revision petition stands dismissed being meritless and disposed of accordingly.

6. Nothing observed herein will have any effect on the merits of main case stated to be pending before the learned Rent Controller.

March 26, 2015

Gaurav Sorot

**(GURMIT RAM)
JUDGE**