

107

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

CR No.3652 of 2015

Date of decision: May 27, 2015

Kamaljit Singh

.....Petitioner

Versus

Saurav Jain

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajan Bansal, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 30.04.2015, whereby application moved by the landlord for appointment of local commissioner, was allowed.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Respondent has sought ejectment of the petitioner from the shop in question by moving petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949. During the pendency of the petition, respondent moved an application for appointment of local commissioner to report qua the existing condition of the shop in question. The case of the respondent was that the shop in question was hundred years old and was in dilapidated condition. There were huge cracks in the walls of the shop and lintel of the shop was falling. As a result of this, iron rods in the roof could be

clearly seen. In this regard, respondent also placed on record fifteen photographs clicked by him qua the shop in question. The case of the petitioner, on the other hand was that the shop in question was fit for human habitation.

Since in the present case, the dispute is as to whether the shop in question is fit for human habitation or not, the report of the local commissioner shall assist the Court to decide the *lis* between the parties in a more effective and fair manner. In these circumstances, the learned trial Court had rightly allowed the application moved by the landlord for appointment of local commissioner.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

May 27, 2015

m.singh