

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

CR No.8231 of 2014

Date of decision: 26.02.2015

Vinod Kumar Anand

.....Petitioner

versus

Kamaljeet Singh Dhaliwal and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

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

G.S. SANDHAWALIA, J. (Oral)

The challenge in the present revision petition is to the order dated 29.10.2014 passed by Rent Controller, Patiala, whereby the application of the tenant for allowing the engineer for inspection of the entire building known as Surjit Building at Sheran Wala Gate, Patiala has been dismissed.

Perusal of the impugned order would go on to show that before the Rent Controller, counsel for the landlord had volunteered and submitted that whichever portion is in his possession or falling to the share of the landlord can be measured by the drafts man, so that tenant could be satisfied as to the extent of the area in his possession, since he was wanting eviction on the ground of bonafide necessity, for opening a Academy for giving tuition and for his office use having retired as a Senior News Correspondent with a leading national newspaper.

However, the petitioner-tenant was insisting upon measuring the portion which was in the possession of the brother, since the father had given the property vide a will dated 31.01.2008 (Annexure P-5). The

sons were only entitled for the use during their lifetime and ownership in their favour as per the recitals of the Will.

The application was thus declined on the ground that brothers being not on good terms, the drafts man could not be asked to inspect the premises which were not the subject matter of the eviction petition. The reasoning given by the Rent Controller is well justified. By making the present application, inspection has been sought of premises which are not the subject matter of the eviction proceedings before the Rent Controller. As noticed the landlord's counsel had consented that the premises which are in occupation of the landlord could be inspected. But the tenant wants to inspect the whole building in question which cannot be permitted by way of the application which has been filed and a roving inquiry thus need not be carried out as contended by the counsel.

It is pertinent to mention that as per the recitals of the Will the House No.2397/4 measuring 175 sq.yards approximately has been given to two of the sons and the eastern side of the property has been given to the respondent-landlord, whereas the western side of the property has been given to other son.

In such circumstances, the order passed by the Rent Controller is well justified and does not warrant any interference.

With the abovesaid observations, the present revision petition is dismissed.

February 26, 2015
Naveen

(G.S. SANDHAWALIA)
JUDGE