

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.2394 of 2016**

Palturam Sahu S/o Late Shri Mannulal Sahu Aged About 74 Years R/o House Number 15/12 Jawahar Nagar, Jorapara Ward, Tehsil-Raipur Distt-Raipur, Chhattisgarh.

---- Petitioner**Versus**

Ajeet Kumar Wadhwani S/o Late Shri Udhavdas Wadhwani Aged About 50 Years R/o Near Radha Krishna Mandir, House Number 591/A, 11 Acre, Samta Colony District-Raipur, Chhattisgarh.

---- Respondent

For Petitioner : Mr. Pawan Kesharwani, Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****26/09/2016**

1. Heard on admission.
2. This petition is directed against rejection of petitioner's application under Order 26 Rule 1 of the Code of Civil Procedure for appointment of commission for examination of the petitioner.
3. Learned counsel for the petitioner submits that petitioner/tenant is old aged person of 78 years and he is not able to come before the Rent Controlling Authority and depose.
4. The material which has been placed on record did not contain certificate of any medical practitioner that the petitioner, because of his old age or ailment, is not able to walk, speak or hear. There are documents, which only indicated that

the petitioner appears to be suffering from some hardness of hearing. However, it is not the case, where the petitioner has been certified completely deaf.

5. It is to be seen that proceedings are going on before the Rent Controlling Authority, Raipur and petitioner is also residing in the same city i.e. Raipur. Therefore, in the absence of any clinching evidence that the petitioner is not even able to walk up to the Office of Rent Controlling Authority to depose in the matter, I do not find any illegality in rejecting the application.

6. In view of the above, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge