

CR No. 4317 of 2016

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

CR No. 4317 of 2016

Date of Decision: July 13, 2016

Manju Gupta

...Petitioner

Versus

Sajan Singh & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Abhinav Sood, Advocate for
Mr. Vikram Sood, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (Oral):

Challenge in this revision petition is to the order dated 31.05.2016 passed by the Rent Controller, Panipat, whereby, the application preferred by the petitioner-landlady to click the photographs of the demised premises and to place the same on record, stands dismissed.

It is the contention of the learned counsel for the petitioner that the value of the property has been impaired by the alteration which has been carried out by the respondents-tenants. By permitting the clicking of the photographs of the demised premises, the position would be clarified as to what has actually been done by the respondents-tenants which would ultimately lead the Court to a right conclusion with regard to the factual

aspect as has been pleaded. He further contends that because of the dismissal of the application, the claim of the petitioner would be prejudiced and she would be put to a disadvantageous position vis-a-vis the respondents-tenants. He, thus, contends that the impugned order deserves to be set aside and the present petition allowed.

I have considered the submissions made by the learned counsel for the petitioner and with his assistance, have gone through the impugned order as also the pleadings brought on record.

The contention as raised by the learned counsel for the petitioner does not carry weight for the reason that the case is at this stage fixed for rebuttal evidence as per the statement of the counsel for the petitioner. That apart, the petitioner has examined Anil Kalra, Chartered Engineer who had prepared the report after due inspection of the demised premises and clarified the position vis-a-vis the petitioner. The respondents' expert witness who has been examined also is a Civil Engineer, named as Saurabh Singhal, who had appeared as RW-3 and has tendered his report alongwith the photographs of the demised premises. It is not the case where there is no photograph of the demised premises as it is apparent from the impugned order that both these witnesses have been examined by both the respective parties in detail on the aspect of the report which have been submitted by them. Further, there is a specific and categorical stand of the respondents-tenants that at no stage the petitioner was ever stopped from visiting the premises or taking photographs. The findings as recorded by the

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Court below and the reasons assigned for rejecting the application are fully justified and in accordance with law which do not call for any interference by this Court.

In view of the above, finding no merit in the present petition, the same stands dismissed.

July 13, 2016

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**