

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

**Civil Revision No.4921 of 2016 (O&M)
Date of Decision:August 03, 2016.**

Rana Inder Partap Singh

.....PETITIONER(s).

VERSUS

Ranjit Singh Ghuman

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Arora, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

Respondent-landlord moved application for direction to the revision petitioner to permit the draftsman engaged by him for inspection to prepare the site plan of the demised premises which was allowed by the Rent Controller vide order dated 13.07.2016, which reads as follows:-

“Reply to the application is filed. Heard on application for directing the respondent to permit the Draftsman to inspect the premises. The respondent in reply has itself stated that petitioner concealed the fact of his possession over the portion of the house in question and site plan was wrong and incorrect. Since site plan is to be got prepared through Draftsman by inspecting the premises which is in possession of the respondent, permission to inspect the premises in question is allowed. The respondent is directed not to cause obstruction. Draftsman shall inspect the premises on 01.08.2016 from day time and thereafter, petitioner shall submit site plan on 08.08.2016.”

Learned counsel for the revision petitioner submits that this application was moved by the respondent under Section 22 of Punjab Rent Act, 1995 which is not applicable to this case as the ejectment petition was filed under Section 13-A of the East Punjab Urban Rent Restriction Act, 1949. The application filed by the landlord was not maintainable but has been allowed by the Rent Controller without any discussion on this point.

The dispute pertains to the demised premises. The respondent has taken a plea that the petitioner has made some concealment regarding the facts of his possession over the portion of the house in question. The Rent Controller has permitted the landlord to take his draftsman to prepare the site plan of the demised premises after inspection at the spot and gave direction to the revision petitioner not to cause any obstruction in the inspection of the demised premises. The order passed by the Rent Controller will not cause any prejudice to the revision petitioner. The mere fact that the application has been filed under Section 22 of Punjab Rent Act is immaterial and insignificant. Even if the provision in which the application filed, is wrongly mentioned, it is the spirit of the application and the relief sought which is relevant and not the Section mentioned in the head note of the same.

The revision petition has no merits.

Dismissed.

August 03, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

√
Yes/No

Whether Reportable:

√
Yes/No