

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 7148 of 2016

Date of Decision: 24.10.2016

Gulab Rai Jain

.....Petitioner

VERSUS

Ram Parkash

.....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kashish Garg Advocate
for the petitioner.

SURINDER GUPTA, J.

Heard.

Learned counsel for the revision-petitioner submits that Rent Controller has appointed a Local Commissioner to collect evidence while positive evidence has already been led to the effect that as to whether building in dispute is single storey or double storey building.

Perusal of impugned order shows that Rent Controller was very conscious of the fact that Local Commissioner could not be appointed to collect evidence on behalf of either party to the litigation. With these observations, Local Commissioner was appointed only to ascertain a fact as to whether building in possession of the tenant is a single storey building or there is construction above the floor of the shop.

Appointment of Local Commissioner was only to ascertain a fact and not to collect any evidence with regard to ground taken by the

landlord seeking ejectment of revision-petitioner from the demised premises. No prejudice has been caused to the revision-petitioner by appointment of Local Commissioner and his report, whenever submitted, will be subject to cross-examination for which opportunity may be sought by the revision-petitioner from the Rent Controller. He can also be allowed to produce evidence in rebuttal to the report of Local Commissioner.

This revision has no merit. Dismissed.

October 24, 2016

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No