

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 7674 of 2016

Date of Decision : 16.11.2016

Murti Shri Shankar Bhagwan, Dayal Chowk, Sonapat through its President
Shri Parnav Kumar.

....Petitioner

Versus

Dr. Budh Ram

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Alok Mittal, Advocate
for the petitioner.

Surinder Gupta, J.

This is revision petition against order dated 15.09.2016 passed by Rent Controller, Sonapat, declining the application filed by landlord/revision-petitioner seeking appointment of Local Commissioner to inspect the spot and give report stating actual physical condition of the shop in dispute.

2. Revision-petitioner has moved petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1976 seeking ejectment of the respondent-tenant from the disputed shop on the ground that he has impaired the value and utility of the shops by removing middle wall; raising level of the roof of shop and illegally reconstructing the shop without the consent of revision-petitioner. In the application seeking appointment of Local Commissioner, it was averred that in order to ascertain the plea raised by landlord/revision-petitioner, Local Commissioner be appointed.

3. Learned Rent Controller declined the application with the observation that Local Commissioner cannot be appointed to collect evidence on behalf of parties.

4. I find no fault with the observation of learned Rent Controller.
If the revision-petitioner wants to prove a fact on file, he can do so by producing his own evidence instead of seeking appointment of Local Commissioner to go to the spot and collect evidence for him.

This revision petition has no merit and the same is dismissed.

November 16, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No