

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

**Civil Revision No.2982 of 2017
Decided on : 27.04.2017**

Din Dayal

... Petitioner

Versus

Parmod Kumar and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Sanjiv Gupta, Advocate for
Mr. Ashok Verma, Advocate for the petitioner.

G.S. Sandhawalia, J. (Oral)

The challenge in the present revision petition is to the order dated 23.02.2017 (Annexure P-8), whereby the Local Commissioner (hereinafter referred to as 'LC') was appointed by the Rent Controller, Bhiwani.

A perusal of the said order would go on to show that Shri R.K. Sharma, counsel for the present petitioner had given no objection to the appointment of the LC before the Rent Controller. The ground for eviction is that the building is not fit for human habitation and that the tenant has ceased to occupy the property, apart from the subletting issue.

An arguments has now been raised on the strength of an application allegedly filed before the Rent Controller dated 20.03.2017 (Annexure P-9) that the counsel had never given his consent for the appointment of the LC.

It is the contention that no further orders have been passed on the said application (Annexure P-9). Once that is so, the said Court would be best equipped to deal with the factual aspect whether the consent was

given by the counsel or not and this Court cannot go into the disputed issue as such, as the record speaks otherwise.

Resultantly, this Court is of the opinion that the petitioner can be relegated to his remedy before the Rent Controller to press his application which was filed under Section 151 and 152 of CPC for correction of the order, which is now impugned.

Needless to say that in case, it is so found that the order is liable to be recalled, the inspection, if any, has been done by the LC, will be rendered redundant.

Accordingly, the present revision petition stands disposed of with the abovesaid liberty to the petitioner to approach the said Court.

APRIL 27, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No