

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.8128 of 2017(O&M)

Date of Decision: 20.11.2017

Chanranjit Singh Bajaj

... Petitioner

Versus

Chanan Ram & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Piyush Kant Jain, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

1. This petition has been filed under Article 227 of the Constitution praying that the application filed by the petitioner claiming to be a sub-tenant without notice and consent of the landlord, for appointment of a Local Commissioner to take stock of goods in the inventory made by the bailiff in execution of warrants of possession of the demised shop, pleading that the application has been wrongly dismissed by the Rent Controller, Ludhiana.

2. There are several reasons why the petition deserves to be dismissed. Firstly, a revision does not lie for appointment of the Local Commissioner. Secondly, the Local Commissioner cannot be used as an instrument to gather evidence in the suit for damages of movable property. Thirdly, the inventory of goods at pg. 20 of the paper-book suggests that the items are perishable in nature being Desi Ghee, delivered by Bailiff to the custody of the landlord in 2010 with only two items which can be salvaged being a small ceiling fan and two damaged locks. Custody of goods mentioned in the inventory had to be handed over to the respondent landlord

since the petitioner was *ex parte* before the authorities.

3. For these reasons, I refuse to entertain the petition. However, the petitioner would be at liberty to apply to the Rent Controller for a direction to the bailiff to deliver the goods back to the petitioner in terms of the inventory in accordance with law.

4. Dismissed.

20.11.2017
monika/Vimal

(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>