

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

**Civil Revision No.1096 of 2018 (O&M)
Date of Decision: March 14, 2018.**

Aalok Shandilya

.....PETITIONER(s).

VERSUS

Ajay Kumar Mendiratta and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pawan Gaur, Advocate
for the petitioner (s).

Mr. B. Diwakar, Advocate
for respondent No.1.

SURINDER GUPTA, J.

Heard.

This is revision petition against order dated 25.10.2017, whereby the application filed by tenant/revision petitioner for appointment of local commissioner to ascertain the constructed area as well as age of such construction, was dismissed.

Learned counsel for the revision petitioner submits that application was primarily moved to verify the total constructed area of the demised premises, which is about 4700 sq. feet while in the sale deed in favour of respondent-landlord, the constructed area of the building is mentioned as 1562 sq. feet.

Firstly, the revision petition is not maintainable in view of the

observation of Co-ordinate Bench of this Court in case of *Harvinder Kaur and Anr. Vs. Godha Ram and Anr. AIR 1979 P.H. 76; Pritam Singh and anr Vs. Sunder Lal and ors.1990 PLJ 418; Balbir Kaur and others Vs. Pushpa Widge and others 2006(2) R.C.R. (Civil) 318; Sumer Chand Jain Vs. Vishnu Bhagwan Mangla 2006 (2) RCR (Civil) 445; Rambir Singh Vs. Gram Panchayat, Narhera and others 2012 (1) PLR 429; and Banarsi Dass Vs. Sunita Rani @ Sarita Rani and Ors. 2017(2) RCR (Civil) 274.*

Even on merits, the revision petitioner has no case to seek the appointment of local commissioner. Constructed area of the demised premises could be proved by the parties by leading evidence. Even if, plea of revision petitioner be believed that landlord-respondent had purchased 250 sq. yards plot with 1562 sq. feet constructed area and at the spot, there is 4700 sq. feet constructed area, the matter is between the purchaser and seller. By all means, landlord has become the owner or at the most co-owner of the entire building and being co-owner, he is competent to file petition seeking ejectment of tenant.

In view of the above discussion, I find no reason to interfere with the order passed by learned Rent Controller.

This revision petition has no merits. Dismissed.

March 14, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***