

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

**(1)**

**Civil Revision No.1690 of 2018 (O&M)  
Date of Decision:March 20, 2018.**

Rakesh Kumar Duggal

**.....PETITIONER(s).**

**VERSUS**

Swaran Singh Khera

**....RESPONDENT(s).**

**(2)**

**Civil Revision No.1691 of 2018 (O&M)**

Avdesh Sharma

**.....PETITIONER(s).**

**VERSUS**

Swaran Singh Khera

**....RESPONDENT(s).**

**(3)**

**Civil Revision No.1692 of 2018 (O&M)**

Surinder Pal

**.....PETITIONER(s).**

**VERSUS**

Swaran Singh Khera

**....RESPONDENT(s).**

**(4)**

**Civil Revision No.1693 of 2018 (O&M)**

Sunil Dhawan

**.....PETITIONER(s).**

**VERSUS**

Swaran Singh Khera

**....RESPONDENT(s).**

(5)

**Civil Revision No.1694 of 2018 (O&M)**

Subash Chander (deceased) through LRs

.....PETITIONER(s).

**VERSUS**

Swaran Singh Khera

....RESPONDENT(s).

(6)

**Civil Revision No.1695 of 2018 (O&M)**

Atam Parkash Sharma

.....PETITIONER(s).

**VERSUS**

Swaran Singh Khera

....RESPONDENT(s).

(7)

**Civil Revision No.1696 of 2018 (O&M)**

Mukesh Dutta

.....PETITIONER(s).

**VERSUS**

Swaran Singh Khera

....RESPONDENT(s).

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Aakash Singla, Advocate  
for the petitioner (s).

Mr. Vivek K. Thakur, Advocate  
for the respondent.

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**SURINDER GUPTA, J.**

All the aforementioned revision petitions have been taken up  
together for disposal as the issue involve in all the revision petitions is  
same.

The revision petitioner(s) moved applications for appointment of local commissioner for the purpose as enumerated in para 3 of the application, which reads as follows:-

“3. That it is therefore humbly prayed that the local commissioner may please be appointed who may visit the spot and to take photographs of the building, shops in dispute and be further directed to give report regarding the heights and pattern of the roof from inside the shops and top of the shops of Sunil Dhawan, Rakesh Duggal owner Surinder Singh, Surinder Pal, Atam Parakash, Sham Lal and Subhash Chander since deceased and Mukesh Dutt by filing the complete site plan as well as the site plan of the shop in question.”

The application was declined by the Rent Authority below with the observations that local commissioner cannot be appointed at this stage for collecting evidence.

Learned counsel for the revision petitioner(s) while arguing has referred to the plea of respondent-landlord seeking ejectment of the revision petitioners-tenants and the reply filed by the revision petitioners. I am of the opinion that the plea taken by the landlord and tenant are to be seen and appreciated by the Rent Authority while passing the order on the application filed by revision petitioner(s) seeking leave to defend. Passing order, while deciding application for appointment of local commissioner is not a stage to adjudicate all the respective pleas of the parties.

The only question which can be seen at this stage is as to whether the appointment of local commissioner is required before disposing of application filed by revision petitioner(s) seeking leave to defend. The

revision petitioner(s) have sought appointment of local commissioner to

take the photographs of the building, shops in dispute and to give report about height and pattern of the roof from inside the shops and top of the shops. Rent Authority has rightly observed that it is not the stage for appointment of local commissioner. The photographs can be produced by either of the parties along with the site plan giving dimensions of the property. The Court below has rightly observed that appointment of local commissioner at this stage is not required to collect evidence. I find no legal or factual infirmity in the impugned order(s) calling for any interference.

These revision petitions have no merits.

Dismissed.

Learned counsel for the revision petitioner(s) has apprehension that the Rent Authority may take note of the observations in the impugned order at the time of final order on the application filed by the revision petitioner(s) seeking leave to defend.

In order to allay apprehension of learned counsel for the revision petitioner(s), it is ordered that the Rent Authority shall not take note of any observation recorded while dismissing the application for appointment of local commissioner and decide the application seeking leave to defend as per plea of parties and documents on record.

**March 20, 2018.**

*Sachin M.*

**( SURINDER GUPTA )  
JUDGE**

***Whether speaking/reasoned:***

***Yes/No***

***Whether Reportable:***

***Yes/No***