

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.2861 of 2018
Date of Decision:02.05.2018

Nirmal Panchayati Akhara

.....Appellant

Vs.

Ashok Kumar

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Rajesh Bansal, Advocate, for the appellant.

RITU BAHRI, J. (ORAL)

The petitioner has come up in revision for setting aside the impugned order dated 17.04.2018 (Annexure P-1) passed by learned Rent Controller, Kurukshetra, vide which application (Annexure P-3) for appointment of expert Local Commissioner has been dismissed.

The case pleaded by the petitioner is that demised premises was locked in possession of the respondent for the last six months. The respondent is not using the said quarter for residence purpose and he is residing along with his family members at House No.1201 P, Sector 8, Urban Estate, Kurukshetra. He has referred to the judgment of Kerala High Court in the case of Kalyani Bharathan Vs. N.Abdul Muthalif 2005(1)R.C.R (Rent) 398 to contend that ex-parte order of appointment of Local Commissioner without notice to tenant to find out whether there was sub-letting. If notice was given tenant could stage-manage the situation and temporarily cause disappearance of the objectionable contravention by him. The pleadings in rent control proceedings a liberal and realistic approach and not a pedantic approach should be made while construing the pleadings.

In the facts of the present case, the demised premises was locked in possession of the respondent for the last six months and he is residing along with his family members at House No.1201 P, Sector 8, Urban Estate, Kurukshetra, the revision is allowed and a direction is being given to the Rent Controller, Kurukshetra, to appoint a local commissioner who will give his report in a time bound manner.

(RITU BAHRI)
JUDGE

02.05.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No