

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

127

CR-6046-2018(O&M)
Date of Decision : 11.9.2018

Om Parkash

...Petitioner

vs.

Trust Bagichi (Regd.), 1653/13, Jhajjar Road, Opp. Aggarwal Metal,
Rewari, Tehsil & District Rewari

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Gulshan Nandwani, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

This petition has been filed against the order of the Rent Controller partly allowing an application filed by the tenant-petitioner.

The petitioner-tenant is a tenant in one shop in a building which has other premises also. The respondent had filed the petition for eviction on the ground that the building has become unfit and unsafe for human habitation. In his evidence, the landlord-respondent had examined a building expert and gave his report to the effect that the building is not safe.

Learned counsel for the petitioner states that during the evidence the respondent-landlord had examined the building expert who have reported that the entire building is unfit and unsafe and that is why, the petitioner had moved an application to permit him to engage a building expert who would inspect the building and gave his report. The Rent Controller however held that the petitioner tenant could appoint a building

expert to inspect that part of the building which is under his occupation and gave his report that there was no need for the expert to examine the whole building. The only argument raised by the counsel is that once the landlord had examined his expert and gave his opinion about the entire building no prejudice would be caused to him if the petitioner also was permitted to examine the building who will give his report of the entire building.

In my opinion, there would have no prejudice caused to the respondent but whether any prejudice caused to the petitioner by passing of the impugned order if the building expert engaged by the petitioner examine the premises which is in his possession and gave his report that the premises occupied by the petitioner is fit and safe. The Court accepts that the report on the condition of rest of building would have no bearing.

In my opinion also, there is no need to examine whole of the building.

Resultantly, the appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

11.9.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No