

CR No.6546 of 2018 (O&M) 1

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

**CR No.6546 of 2018(O&M)
Date of Decision: 16.05.2019.**

Prabhat Kumar

.....Petitioner

Versus

Trust Bagichi (Regd.) and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

LISA GILL, J(Oral).

Petitioner, is aggrieved of order dated 02.08.2018, passed by the learned Rent Controller, Rewari, to the extent that permission to get the entire building inspected, has not been allowed and learned Rent Controller, Rewari, has allowed the building expert to inspect the disputed property, only.

Learned counsel for the petitioner argues that the petitioner filed an application seeking permission to get the disputed property inspected through the building expert, as also the adjoining portion of the building in order to discredit the claim of the landlord to the extent that the entire building is unfit and unsafe for human habitation. It is contended that there are a number of other tenants on the premises, against whom eviction petitions have been filed by the respondent-landlord. It is further submitted that in the other petitions, applications for permission to get the disputed property inspected through a building expert at the instance of the tenants, have been allowed. Reference is made to Annexure P-5. It is submitted that

it is in the interest of justice to permit the inspection of the adjoining building, as well and no prejudice shall be caused to the respondent-landlord.

I have heard learned counsel for the petitioner and have gone through the file with his assistance.

Petitioner filed application dated 07.05.2018 (Annexure P-2) seeking permission to get the disputed property inspected through a Building Expert. In the prayer cause, it is mentioned as under:-

“It is, therefore, very humbly prayed that the building expert of the petitioner may kindly be permitted to inspect the disputed building by directing the landlord (petitioner Radhey Shyam Gupta) to allow him to inspect the disputed shop and adjoining building thoroughly by allowing the present applicant in the interest of justice.”

As per the case of the petitioner himself, there are other tenants in the building of which the demised premises is a part. Permission has been afforded to the other tenants to get the portions of the disputed property in their respective possession inspected by their building experts. Learned counsel for the petitioner is unable to inform this Court whether the building expert has submitted his report since passing of order dated 02.08.2018 and as to whether he has been subjected to cross-examination or not. Admittedly, permission has been afforded to the petitioner to get the disputed portion inspected by a building expert. I do not find any ground whatsoever to allow inspection of the adjoining building at the instance of the petitioner in the factual matrix of the case.

No other argument has been raised.

Learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned order dated 02.08.2018,

passed by the learned Rent Controller, Rewari, which calls for interference by this Court in exercise of revisional jurisdiction.

Petition is accordingly dismissed with no order as to cost.

16.05.2019
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.