

Civil Revision No. 1135 of 2019

Date of decision : April 11, 2019

Inderpal Singh

.....Petitioner

Versus

Karamjit Singh

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Rakesh Gupta, Advocate
for the petitioner.Mr. Sunil Garg, Advocate
for the respondent.

LISA GILL, J.

This revision petition has been filed by the petitioner (tenant) challenging order dated 18.12.2018 (Annexure P-1) vide which his application dated 05.09.2018 (Annexure P-2) for permitting the building expert to inspect the adjoining premises of the landlord has been declined.

It is mentioned in the application (Annexure P-2) that the shop in dispute and the adjoining portion in the landlord's possession are separate and constructed in two parts. The petitioner sought to examine a building expert, so as to prove the age of the said construction as well as have a site plan prepared, besides photographs of the entire building, in order to falsify the claim of the petitioner that the area in his possession is not adequate.

Learned counsel for the petitioner, however, submits that the petitioner restricts his claim in the application and in the present petition for preparation of a site plan of the adjoining premises in the landlord's possession alongwith the shop in his possession depicting only the outer boundaries of the property, besides photographs showing the entire building (i.e. including the demised premises) from outside.

Learned counsel for the respondent submits that there is no objection to the preparation of the site plan showing the outer boundaries or clicking of photographs of the entire building. There would be no obstruction for the draftsman preparing the site plan or taking photographs of the building from the outside.

In view of the facts and circumstances as above, impugned order dated 18.12.2018 is modified to the extent that the petitioner shall be permitted to have the site plan as mentioned above drawn up by the draftsman without any reference to the age etc. of the building alongwith the photographs. Needless to say sufficiency or otherwise of the premises in question is to be considered by the learned Rent Controller after evaluation of the evidence led by the parties.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case.

Petition is, accordingly, disposed of.

April 11, 2019
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No