

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 1729 of 2019 (O&M)

Date of decision : 13.3.2019

...

Sodhi Ram

.....Petitioner

vs.

Harnek Singh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Sanjeev K. Virk, Advocate for the petitioner.

...

H. S. Madaan, J. (Oral)

In a suit for recovery, filed by the plaintiff, the defendant moved an application that he had worked in the property of the plaintiff as per agreement dated 25.11.2016 and due to addition in the building plan, the roof area was increased to 4134 square feet. Therefore, the plaintiff is under the liability to pay the balance amount of Rs.14,59,020/-, for the excess work done by the defendant. That application was opposed by the plaintiff. Vide impugned order, the trial Court dismissed the application, observing that the appointment of Local Commissioner would amount to collection of evidence on behalf of the defendant, which is not permissible under the law.

I do not find any illegality or infirmity in the said order. The defendant can engage some expert at his own level, who can go to the spot and prepare the necessary report. Then he can be examined in the Court as a witness for the defendant. As regards the contention of learned counsel for the petitioner that the plaintiff may not allow the defendant and the expert engaged by him to enter his premises, the defendant can approach the trial Court, moving appropriate application in that regard and the trial Court may pass appropriate order thereon in accordance with law.

There is no merit in the present revision petition. The same stands dismissed.

13.3.2019
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
-----------------------------	----------

Whether reportable	Yes / No
--------------------	----------