

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

**Civil Revision No.1690 of 2019 (O&M)
Date of Decision: March 12, 2019.**

Vikas

.....PETITIONER(s).

VERSUS

Jai Bhagwan Mittal and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Abhimanyu Batra, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

This is revision against order dated 13.02.2019 passed by learned Rent Controller, Jind, whereby a local commissioner was appointed to inspect the demised premises and report about its condition.

Learned counsel for the petitioner-tenant submits that ejectment of the petitioner-tenant from the demised premises has been sought on various grounds and one of the ground is that building in question has become unfit and unsafe for human habitation. In support of his contention, respondent No.1-landlord has appeared as PW1 and cross-examined at length. Before concluding his evidence, he sought appointment of local commissioner and his application was allowed. Order passed by the Rent Controller has prejudiced the petitioner-tenant in two ways; firstly, the petitioner-tenant will not be in a position to confront the landlord with the report of local commissioner; secondly, the evidence of the respondent-

landlord has not been closed so far and local commissioner, to inspect the tenanted premises, could not be appointed to fill up the lacuna. Learned Rent Controller should have waited for the conclusion of evidence and appoint the local commissioner thereafter, if need so arise.

The above submissions of learned counsel for the petitioner are without merits. To ascertain the condition of the building in question, learned Rent Controller has appointed Sub Divisional Officer of Public Works Department (B&R), a building expert, as local commissioner, who has been permitted to inspect the whole building including the tenanted premises, prepare the site plan, take photographs and then submit his report. After his report, petitioner will have liberty to move application seeking cross-examination of the local commissioner, if so required.

So far as the other contention of learned counsel for the petitioner-tenant that he will stand debarred from putting the contents of report of local commissioner to respondent No.1-landlord is concerned, if need so arise, petitioner-tenant may file application to this effect, which will be decided by the Rent Controller in accordance with law.

Learned Rent Controller has committed no error of law while availing the services of a local commissioner to ascertain a vital issue in the petition pending before him, as such, order passed by the Rent Controller calls for no interference in this revision petition, which has no merits.

Dismissed.

March 12, 2019.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No