

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

CR No. 2435 of 2019 (O&M)

Date of Decision:10.04.2019

M/s Ram Lal and sons

.....Petitioner

Versus

M/s Sunder Dass Ishar Devi Dharamshala Trust

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

LISA GILL, J.

This revision petition has been filed seeking a direction to the learned Appellate Authority, Ferozepur to decide application under Order 41 Rule 27 read with Section 151 CPC filed by the petitioner (tenant) prior to hearing of arguments in the main appeal.

Brief facts necessary for the adjudication of the case are that petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for short Act), filed by the respondent-landlord, was allowed by the learned Rent Controller, Ferozepur vide order dated 29.09.2018 (Annexure P-1), on the ground of the building being in a dilapidated condition and therefore unfit for human habitation. Reliance was placed on a report, Ex.A-18 submitted by the Building Expert, AW-2-Randhir Gupta, who had visited the demised premises in compliance of the Court orders.

An appeal was preferred by the present petitioner and thereafter,

an application under Order 41 Rule 27 CPC was moved by the petitioner (tenant) seeking permission to lead expert evidence by examining an independent witness, if possible, the SDO (Civil) from the PWD Department, Ferozepur, to inspect the shop in question.

Reply, to the said application was filed and learned Appellate Authority, Ferozepur, vide order dated 25.03.2019 adjourned the matter, for consideration on this application, as well as for arguments in the main appeal for 02.04.2019. The matter was again adjourned at request of learned counsel for the parties to 11.04.2019 for consideration on the application and arguments in the main appeal.

Sole prayer in this petition is for a direction to the learned Appellate Authority, Ferozepur, to decide the application prior in time to hearing the arguments in the main appeal.

After hearing learned counsel for the petitioner, I do not find any ground whatsoever to interfere, at this stage. Petition is accordingly dismissed.

Needless to say that learned Appellate Authority, Ferozepur, is seized of the matter and in case, any merit is found in the application, this Court is sanguine that requisite steps consequent thereto would necessarily be taken.

10.04.2019

s.khan

[LISA GILL]
Judge

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