

Civil Revision No. 3367 of 2019 (O&M)

Date of decision : May 21, 2019

Bhoj Raj

.....Petitioner

Versus

Dr. Mahavir Parshad Sharma and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Sunny K. Singla, Advocate
for the petitioner.

LISA GILL, J.

The petitioner is aggrieved of order dated 03.05.2019 (Annexure P-6) passed by the learned Rent Controller, Patiala whereby application filed by the respondent – landlord for inspection of the premises in question by the building expert has been allowed.

Respondent – landlord filed a petition under Section 13 of East Punjab Rent Restriction Act for ejectment of the petitioner on various grounds including that of the demised premises being unsafe and unfit for human habitation. Application filed by the respondent - landlord for permission for inspection of the demised premises by a Building Expert namely Karanbir Singh Sodhi, Civil Engineer has been allowed by the learned Rent Controller. Aggrieved therefrom, this petition has been filed.

Learned counsel for the petitioner argues that a Local Commissioner should have been appointed to inspect the building in question and there was no need for appointment of a Building Expert. It is further argued that any other person other than Engineer Karanbir Singh Sodhi should be appointed to inspect the premises as the petitioner has an apprehension that he may give a report in favour of the respondent -

landlord. It is submitted that the learned Rent Controller has wrongly observed that the present petitioner did not have any objection to the inspection of the premises by Engineer Karanbir Singh Sodhi. It is, thus, prayed that this petition be allowed.

Heard, leaned counsel for the petitioner and have gone through the file.

Keeping in view the facts and circumstances as noted above, there is indeed no illegality or infirmity in the impugned order dated 03.05.2019, whereby permission for inspection of the premises in question by the expert is afforded. Apprehensions raised by the petitioner in respect to the independence of the expert appointed by the learned Rent Controller is not borne out. Even as per the reply filed by the petitioner to the application moved by the respondent – landlord for inspection of the building, there is not a whisper as to the reason or the basis on which an apprehension against the expert is raised. In fact, it is mentioned that there is a possibility of some influence over the expert and it is possible that he may give a report in favour of the respondent – landlord. Merely to say that the expert shall submit a report in favour of the landlord only on the ground that he has been appointed at his instance and shall be paid for his services by the landlord, is not to be countenanced. In case, such an argument is to be accepted, it shall have to be presumed that each and every expert would always give a report in favour of the person, who is bearing the cost of his services. Learned counsel is unable to point out any substantial ground to show that such an apprehension as expressed by the petitioner is well founded. It is relevant to note that the veracity or otherwise of the report in question is to be considered by the learned Rent Controller at the relevant

time which needless to say shall obviously be done.

Learned counsel for the petitioner is unable to point out any illegality, infirmity or error of law in order dated 03.05.2019 (Annexure P-6) passed by the learned Rent Controller, Patiala which calls for any interference in exercise of revisional jurisdiction by this Court.

No other argument has been raised.

Present petition is, accordingly, dismissed with no order as to cost.

May 21, 2019
rts

(Lisa Gill)
Judge

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