

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

CR-2167-2021 (O&M)

Date of decision: 30.09.2021

Mahesh Inderjit Singh

...Petitioner

Versus

Harkirat Singh and Ors

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. J.S.Virk, Advocate,
for the petitioner.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein, under Article 227 of Constitution of India is for setting aside the order dated 18.08.2021 (Annexure P-6) passed by the learned Rent Controller, Amritsar whereby the application filed by the petitioner for granting permission to inspect the premises of the landlord-respondent No.1 and to take photographs and prepare the Site plan to establish the Rent petition under Section 13 of the Rent Act, 1949 has been dismissed.

2. I have heard learned counsel for the petitioner and gone through the case file.

3. No interference is called for in the order dated 18.08.2021 passed by the Learned Rent Controller impugned herein, which is premised on the following reasoning:

“There is specific pleading of petitioner/landlord that he does not own any other property for residential purpose and the present property where the landlord is residing is ownership of his father, where he is residing only as a licensee. It is nowhere the case of the tenant that his house is ownership of landlord. At this stage, there is nothing to suggest that the said house in Rani Ka Bagh where the landlord is residing with his family is either his ownership or that his interest in same is

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more than that of a licensee. The only averment of tenant is that the said house is quite big. A certain property which belongs to a third person where the landlord is residing as a licensee even if it is a palace cannot be allowed to be visited, inspected or photographed at the insistence of a tenant. The present applicant/tenant cannot dictate terms to a third person to provide a larger portion of the house for residence to the landlord whose legal status as per his own submission is only of a licensee. Moreover, a tenant cannot define the needs and requirements of a landlord qua his and his family's residence. Thus finding no merit in the present application, the same is hereby dismissed."

4. In view of the aforesaid, valid reasons have been recorded by the trial Court while dismissing the application filed by the petitioner.

5. Trial is still pending. No material irregularity in law or procedure has been committed by the court below so as to exercise extraordinary revisional jurisdiction.

6. Instant petition is dismissed. Pending application/s, if any, shall also stand disposed of.

30.09.2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No