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

**CIVIL REVISION No.1888 of 2022 (O&M)
DATE OF DECISION : 12.05.2022**

Dinesh Kumar (now deceased) through his LRsPetitioner

versus

Shiv Lal (now deceased) through his LR & Ors.Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vaibhav Sehgal, Advocate for the petitioner

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ALKA SARIN, J. (Oral):

The present revision petition under Article 227 of the Constitution of India has been filed impugning the order dated 18.04.2022 passed by the Rent Controller, Ludhiana dismissing the application filed by the petitioner-tenant for allowing a draftsman to visit the building in question and to prepare a site plan.

Brief facts relevant to the present *lis* are that the ejectment petition in the present case was filed by the respondent-landlord on 18.07.2011 and the issues in the present case were framed on 15.11.2012. The respondent-landlord concluded his evidence on 08.08.2017 and

thereafter the case was fixed for evidence of the petitioner-tenant. However, the evidence has not been concluded till date. It is apt to note that an application under Order 18 Rule 17 of the Code of Civil Procedure, 1908 (CPC) was filed for recalling PW-Praveen Kumar for his cross-examination which was dismissed by the Rent Controller on 28.11.2018. Thereafter, the petitioner-tenant filed an application under Order 26 Rule 9 CPC for appointment of a Local Commissioner for visiting the area and preparing a site plan. The said application was also dismissed by the Rent Controller vide order dated 13.03.2019. The said order attained finality in as much as the same was not challenged by the petitioner-tenant. The petitioner-tenant has examined a total of four witnesses and the case was fixed for cross-examination of the said witnesses. At this belated stage, the present application has been moved by the petitioner-tenant for allowing a draftsman to visit the building in question and to prepare the entire site plan.

Learned counsel for the petitioner would contend that in the ejectment petition it was specifically stated by the respondent-landlord in para-4 that he required the premises for setting up business for his son and that he had not vacated any such building in the urban area of the Municipal Corporation, Ludhiana without sufficient cause. It is further the contention that as per the written statement the said fact was specifically denied wherein it was stated that one shop in the building in dispute was in occupation of the respondent-landlord which was lying locked and hence the present application has been filed for permitting a draftsman to visit the

area in order to make a site plan as the petitioner-tenant had been denied access to the shop in possession of the respondent-landlord.

Heard.

In the present case, the conduct of the petitioner-tenant is not above board. The ejectment petition was filed in the year 2011 and from a perusal of the impugned order it is apparent that the matter is being delayed on one pretext or the other by the petitioner-tenant. The petitioner-tenant had earlier moved a similar application for appointment of a Local Commissioner which was dismissed by the Rent Controller vide order dated 13.03.2019. The said order dated 13.03.2019 attained finality in as much as the same was never challenged by the petitioner-tenant. The respondent-landlord concluded his evidence on 08.08.2017. From 08.08.2017 till April 2022 the petitioner-tenant has not concluded his evidence. The present application is also nothing but an effort to further delay the proceedings and to prolong the conclusion of the case.

In view of the above, I do not find any merit in the present petition which is dismissed. Pending applications, if any, also stand disposed off.

Dismissed.

12.05.2022
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO