

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

CR-2146-2022

Date of Decision: 26.05.2022

Sarabjit Singh

...Petitioner

Versus

Naresh Kumar

....Respondent

CORAM :- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Ishan Kaushal, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

The instant petition has been preferred by the petitioner under Article 227 of the Constitution of India for setting aside of the impugned order dated 04.05.2022 (Annexure P-3) passed by the Rent Controller, Patiala, whereby, an application filed under Section 151 CPC for issuance of direction to the respondent to allow him as well as one Sh. Rajinder Singh, Approved Building Designer and Supervisor, Municipal Corporation, Patiala to enter into, inspect and measure the part of property No.3246-47/1 and house No.3248, was declined.

Learned counsel for the petitioner, *inter alia*, contends that the Rent Controller failed to appreciate while passing the impugned order that the respondent-landlord had concealed in his rent petition that he had got one of his other shops vacated from another tenant namely Shiv Giri in the year, 2009, which was now in the possession of the respondent himself. Still further, the respondent had produced two site plans by way of an application for amendment of rent petition which were factually incorrect and not even approved by a Building Designer and Supervisor. It was precisely for this

reason, it was necessary for an Approved Building Designer and Supervisor to enter, inspect and measure the rear portion of the shops, which were the subject matter of dispute.

I have heard learned counsel for the petitioner and perused the relevant material on record, including the impugned order.

It transpires that the Rent Petition was instituted by the respondent-landlord on 26.11.2019. Thereafter, on being put to notice, the petitioner-tenant appeared and filed an application under Order 11, 12 and 14 of the CPC for production of the original documents and for supplying copy to learned counsel for the tenant, which was then disposed of on 16.03.2021. The petitioner, thereafter, moved another application under Order 6 Rule 4 CPC for furnishing better particulars and for production of documents. The said application was thereafter disposed of on 23.07.2021. On 15.12.2021, the petitioner filed his reply to the main petition, wherein, he mentioned about the shop, which was vacated by the other tenant- Shiv Giri in January, 2019. Thereafter, on 13.02.2022, the respondent moved an application under Order 6 Rule 17 CPC. However, instead of filing his reply to the aforementioned application, the petitioner-tenant filed an application dated 18.02.2022 for directing the respondent to supply him the copy of site plan Annexures P-5 and P-6. The said application was then disposed of on 17.03.2022 and the case was adjourned for filing reply to the application under Order 6 Rule 17 CPC. The petitioner-tenant yet again moved another application on 28.03.2022 under Section 151 CPC, wherein, he sought directions for allowing him as well as one Approved Building Designer and Supervisor, Municipal Corporation, Patiala to enter and

inspect as well as take measurements of the back portion of both the shops, which were part of property No.3246-47/1 and house No.3248. It is apparent that the petitioner-tenant is engaging in dilatory tactics by unnecessarily filing applications, one after another on some pretext or the other. The application under Order 6 Rule 17 CPC is still pending as he has not even filed his reply to the same.

This Court, in the circumstances aforesaid, is not inclined to invoke its revisional jurisdiction as the instant petition comes across as totally frivolous.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

May 26, 2022
gurpreet

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