

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

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**CR No.5544 of 2022 (O&M)
Date of Decision: 29.11.2022**

The Khanna Co-operative Marketing Society Limited

...Petitioner

Versus

Jagdish Lal and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present :- Mr. Puneet Singla, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

CM No.16518-CII of 2022

Heard.

Keeping in view the reasons as mentioned in this application, the
same is allowed.

CR No.5544 of 2022

By way of the instant revision petition, the petitioner-landlord (for short 'the landlord') has assailed the order dated 23.09.2022 (Annexure P-1) whereby learned Rent Controller, Khanna has dismissed the application (Annexure P-2) moved by him (landlord) with a prayer to appoint the Local Commissioner to ascertain the actual existing position of the demised premises.

2. I have heard learned counsel for the petitioner-landlord, at the preliminary stage, in the present revision petition and have also perused the file carefully.

3. Learned counsel for the landlord contends that the respondent-

tenant (for short ‘the tenant’) has carried out material additions and alterations in the demised premises and the report of the Local Commissioner would depict the actual state of affairs, prevailing at the spot, in this regard but vide the impugned order, learned Rent Controller has erroneously dismissed the above-mentioned application and the said order deserves to be set-aside.

4. However, I do not find the afore-raised contention to be tenable because the landlord has filed the Eviction Petition against the tenant, *inter-alia*, on the ground that he (tenant) has impaired the value and utility of the demised premises by carrying out material additions and alterations in the same. Therefore, it is entirely for the landlord to lead cogent and sufficient evidence on the record to substantiate the above-said ground and it is well-settled that the Court cannot collect evidence for any of the parties to the litigation so as to establish his/her pleas. Moreover, the instant petition is not maintainable in view of the observations made by the Division Bench of this Court in **Pritam Singh and another vs. Sunder Lal and others, 1990 PLJ 418** to the effect that “*the order refusing to appoint a Local Commissioner does not decide any issue, nor adjudicates rights of the parties for the purpose of the suit and is, therefore, not revisable*”.

5. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

29.11.2022
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes</i>