

2024:PHHC:026417

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(1)

CR No.260 of 2024
Date of Decision: 26.02.2024

Lalit Mohan Singla

.....Revisionist-Petitioner.

Kanwarjit Singh

Versus

.....Respondent.

(2)

CR No.294 of 2024

Lalit Mohan Singla

.....Revisionist-Petitioner.

Kanwarjit Singh

Versus

.....Respondent.

(3)

CR No.330 of 2024

Lalit Mohan Singla

.....Revisionist-Petitioner.

Kanwarjit Singh and another

Versus

.....Respondents.

(4)

CR No.620 of 2024

Lalit Mohan Singla

.....Revisionist-Petitioner.

Kanwarjit Singh and another

Versus

.....Respondents.

CORAM: *HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Pritam Singh Saini, Advocate
for the petitioner(s)-tenant(s)
in all the four revision-petitions.

MEENAKSHI I. MEHTA, J.

All the afore-captioned revision-petitions are being taken up together for discussion and adjudication as the similar questions of law and facts are involved therein.

2. Bereft of unnecessary details, the common facts, as emanating from the perusal of the files and culminating in the filing of the present revision-petitions, are that the respondent-landlord filed the ***Rent Petition Nos. RC/32 of 2022 & RC/277 of 2017*** against the petitioner-tenant and ***RC/276 of 2017 & RC/33 of 2022*** against the petitioner-tenant as well as proforma-respondent No.2 in ***CR Nos.330 & 620 of 2024*** for seeking their ejectment from the demised premises on the ground of non-payment of rent and in ***Rent Petition Nos. RC/277 of 2017*** and ***RC/276 of 2017***, he took the additional plea/ground of his *bona-fide* personal necessity for the above-said premises. The tenant(s) moved the applications under Order 26 Rules 9 and 10 read with Section 151 CPC in all the afore-referred Rent Petitions for seeking the appointment of Local Commissioner to inspect the demised premises, the Ground Floor Portion of SCF No.22, Sector 7-C, Chandigarh and also the First and Second Floor Portions thereof, so as to find out the root-cause for the leakage of water and to assess the loss/damages caused to the stock lying in the demised premises due to the same and vide the impugned orders as passed separately in the above-said Rent Petitions on 24.11.2023, the Rent Controller has dismissed these applications.

3. I have heard learned counsel for the petitioner(s)-tenant(s) in the instant revision-petitions, at the preliminary stage and have also gone through the files carefully.

4. Learned counsel for the petitioner(s)-tenant(s) contends that the stock/goods of the tenant(s), lying in the demised premises, have been damaged due to the continuous leakage of water from the First and Second Floor Portions of the building and in these circumstances, the report of the Local Commissioner would have facilitated the Rent Controller to ascertain the extent of the repair required for the demised premises and also to assess the afore-said damage but vide the impugned orders, the Rent Controller has wrongly dismissed the applications moved by the tenant(s) for seeking the appointment of Local Commissioner and therefore, these orders are not legally sustainable and hence, the same deserve to be set-aside.

5. However, the above-raised contention is devoid of any merit because as discussed in the preceding paragraphs, the respondent-landlord has filed the afore-referred Rent Petitions against the tenant(s) for seeking his/their ejectment/eviction from the demised premises on the grounds of non-payment of rent and also the *bona-fide* requirement of the same for his personal use. It being so, the Report of the Local Commissioner regarding the cause of leakage of water in the said premises and the assessment of the loss/damage, caused to the goods/stock lying therein, can, by no stretch of imagination, be construed to be material, relevant or essential for the just and proper adjudication of the dispute in the above-said Rent Petitions. Even otherwise, it is well-settled that the Local Commissioner cannot be

appointed for the purpose of collecting the evidence for any of the parties to the litigation.

6. To add to it, the instant petitions are not maintainable in view of the observations made by the Division Bench of this Court in **Pritam Singh and another Versus 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*”.

7. In view of the fore-going discussion, it follows that the impugned orders do not suffer from any illegality, irregularity, infirmity or perversity so as to call for any interference by this Court. Resultantly, the revision-petitions in hand, being *sans* any merit, stand dismissed.

February 26, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: Yes