



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Revision No. 4068 of 2024 (O&M)
Date of Decision: 23.07.2024

Vinod and others
..... Petitioners

Versus

Krishan Lal
..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioners-tenants.

HARKESH MANUJA, J. (ORAL)

The petitioners-tenants, by way of present revision petition, seeks setting aside of an order dated 12.07.2024 passed by the learned Rent Controller, Abohar, in Rent Petition No. 8 of 2020, titled “*Krishan Lal Versus Vinod and others*”, whereby their application for removing the affidavit regarding examination-in-chief of PW-5 (Sanjeev Seghal, Building Expert) from the record, stands dismissed.

[2] Briefly stating, the respondent-landlord filed an eviction petition invoking Section 13 of The East Punjab Urban Rent Restriction Act, 1949, against the petitioners-tenants from the demised shop on the ground of *bona fide* necessity as well as the building in question being unsafe and unfit for human habitation. During its pendency, on an application made by the respondent-landlord, Civil Engineer / Junior Engineer of Municipal Corporation, Abohar was appointed as Building Expert vide order dated 09.02.2023 passed by the learned Rent Controller, Abohar. The Building

Expert submitted his report followed by his appearance as PW-1. While the evidence of respondent-landlord was still in progress, he produced one Mr. Sanjeev Sehgal, Building Expert, appeared as PW-5 and submitted his examination-in-chief vide affidavit dated 31.05.2024 alongwith technical inspection report prepared by him (Annexure P-7) *qua* the demised premises.

Soon thereafter, the petitioners-tenants moved an application seeking removal of the aforesaid affidavit of Mr. Sanjeev Sehgal, Building Expert (PW-5) from the records, *inter alia*, on the ground that once building expert duly appointed by the Court upon technical examination of the demised premises appeared as PW-1 (Rachit Bajaj) and proved his report, no fresh evidence to fill in the gaps through private expert was permissible. The said application was dismissed vide order dated 12.07.2024 passed by the Rent Controller, Abohar. Hence, the present revision petition.

[3] Learned counsel for the petitioners submits that there was no occasion for the respondent-landlord to have examined another / second Building Expert to fill-up the gap in his evidence, especially when PW-5 (Sanjeev Seghal) conducted the technical examination of the building in question in the absence of petitioners-landlord and prepared his report without issuing any notice to them.

No other argument has been raised on behalf of the petitioners-tenants.

[4] After hearing learned counsel for petitioners and having gone through the paper-book, I am unable to find substance in the submissions made on behalf of the petitioners.

[5] In the present case, the primary relief in the ejectment petition revolves around the condition and status of demised premises in relation to the

same being unfit and unsafe for human habitation, it being relating to technical aspects. In such circumstances, the examination of Building Expert was definitely going to help the Rent Controller to assess the exact position of the demised premises based on the technical opinion expressed by the experts in the field.

In the humble opinion of this Court, no merit can be found in the submission made on behalf of the petitioners-tenants that the technical report upon examination of the demised premises was prepared by PW-5 (Sanjeev Sehgal, Building Expert) without issuance of any notice to them as they would be having adequate opportunity to cross-examine the said expert and in such circumstances, no illegally or perversity can be found in the impugned order, which was definitely going to further the cause of justice and essential to bring true and correct position about the condition of demised premises before the learned Rent Controller. Furthermore, the evidentiary value of any such report in comparison with the report submitted by previous expert was going to be assessed by the learned Rent Controller at an appropriate stage and as such, the respondent-landlord cannot be denied an opportunity to prove and substantiate his claim of the building in question being unfit and unsafe for human habitation, by adopting a hyper-technical approach.

[6] Consequently, finding no merit in the present revision petition, the same is hereby **dismissed**.

[7] Pending miscellaneous application(s), if any, shall also stand disposed off.

July 23, 2024

(HARKESH MANUJA)

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JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No