



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

131

CR-4203-2024**Date of Decision: 31.07.2024**

Satnam Singh

...Petitioner

Versus

Rajni @ Rimpay Anand

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Pritam Singh Saini, Advocate,
for the petitioner.

VIKAS SURI, J. (ORAL)

1. This petition has been filed under Article 227 of the Constitution of India for setting aside order dated 21.05.2024 passed by the learned Rent Controller, Shahabad, whereby the application for appointment of Local Commissioner filed at the behest of petitioner-tenant has been dismissed.

2. Brief facts, as noticed in the impugned order, are that the respondent-landlord filed a petition under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 seeking ejectment of the petitioner-tenant from the shop in question. Upon notice, reply to the ejectment petition was filed and the description of the demised premises was questioned. It was pleaded that the petitioner-tenant claimed the shop in question as a separate property and thus, moved an application seeking



appointment of Local Commissioner to ascertain the factual position at the spot in that regard. The said application was resisted and after hearing rival contentions, the Rent Controller dismissed the application.

3. It is not disputed that the parties have led their evidence in support of their case and the petitioner-tenant is yet to conclude his evidence. It is settled principle of law that the Court cannot be used to collect evidence on behalf of a party; and the party has substantive right to lead his evidence. Reliance in this regard has been placed upon *Swaran Singh vs. Gurbaksh Singh*, 2019 (2) PLR 306; *Tatvadarsha Bandhu Pvt. Ltd. vs. Municipal Corporation*, 2015 (2) PLJ 349; *Jagmohan v Ramesh Kumar alias Ramesh Chander*, PLR 2014 (1) 472; *Mohanjit Singh v Gagandeep Singh Grewal*, 2015 (2) Law Herald 1824 (P&H); *Harbhajan Singh v Gurmail Singh*, 2015(2) Law Herald 1089; and *Raj Singh v Mukhtiar Singh*, 2015 (2) Law Herald 1095 (P&H).

4. At this stage, Mr. A.S. Virk, Advocate, appears on behalf of the respondent-landlord and has filed his Power of Attorney, which is taken on record. He does not dispute that vide order dated 21.05.2024, the matter was deferred to 09.07.2024 for evidence to be led by the petitioner-tenant, subject to last opportunity.

5. After hearing learned counsel for the parties and perusing the judgments referred to above, this Court is of the considered view that there is no illegality or infirmity in the impugned order dated 21.05.2024 passed by the Rent Controller, Shahabad and the same is in consonance with the settled principles of law. No ground has been made out which would call for



any interference by this Court.

6. Accordingly, the present revision petition being bereft of merit, is dismissed.

July 31, 2024
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(VIKAS SURI)
JUDGE

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