

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

124

2024:PHHC:021016

CR-7688-2019

Date of decision: 14.02.2024

OM PARKASH (DECEASED) THROUGH LR

..Petitioner

Versus

SURINDER KUMAR & ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sarju Puri, Advocate
for the petitioner.

Ms. Sarika Gupta, Advocate
for respondent No.1.

ANIL KSHETARPAL, J(Oral)

1. In this revision petition, the correctness of the order passed by the Rent Controller while appointing a revenue official to demarcate the property and submit a report, is challenged by the landlord. He has filed a petition under East Punjab Urban Rent Restriction Act, 1949, seeking eviction of the respondent from the shop. The respondent while contesting the case has stated that the shop in question is not located within the municipal limits of Municipal Committee, Nawanshahr. During the pendency of the trial on an application filed by the respondent, the Rent Controller appointed a revenue official to inspect the site and submit a report with regard to the factual situation. The respondent also alleges that there are as many as 8 shops constructed by the landlord adjoining to the tenanted premises. The correctness of the aforesaid order has been challenged in this revision petition.

2. The learned counsel representing the petitioner submits that the Local Commissioner cannot be appointed for collection of evidence and it is

not the case of the respondent that the petitioner owns as many as 8 shops.

3. This Court has considered the submissions of the learned counsel representing the parties.
4. In fact, the Local Commissioner has been appointed in order to find out the actual and factual position with respect to the existence of the 8 shops as well as the question “whether the rented property is located within the municipal limits or not?”
5. The appointment of the local commissioner cannot be said to be for collection of evidence. Moreover, before ordering eviction, the Rent Controller is required to come to conclusion “whether the requirement of the petitioner is bonafide or not?” If 8 shops have been constructed by the petitioner, the entire complexion of the case will change.
6. Keeping in view the aforesaid facts, the Rent Controller has exercised discretion.
7. Hence, no ground to interfere is made out.
8. Dismissed accordingly.
9. All the pending miscellaneous applications, if any, are also disposed of.

February 14th, 2024

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(ANIL KSHETARPAL)
JUDGE

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