

**CR-6656-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(131)****CR-6656-2024****Date of decision: - 18.11.2024****Jaswant Singh and another****....Petitioners****Versus****Shri Sanatan Dharam Dal through its President****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Abhishek Khullar, Advocate,
for the petitioners. (Through VC).

***********VIKAS BAHL, J. (ORAL)**

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 14.10.2024 passed by the Rent Controller, Bathinda, whereby the application of respondent-landlord to enter the shop in question to inspect the said premises has been allowed.

2. Learned counsel for the petitioners has submitted that the building expert who has been engaged in the present case by the respondent-landlord is a stock witness and on multiple occasions strictures have been passed against him. It is further submitted that in the eviction petition, there is no material to show that the premises in question was unfit and unsafe for human habitation. It is stated that in view of the same, the impugned order dated 14.10.2024 be set aside and

**CR-6656-2024****-2-**

the application filed by the respondent-landlord to permit the building expert alongwith the photographer to enter the premises be dismissed.

3. This Court has heard learned counsel for the petitioners and has perused the paper-book.

4. The respondent had filed an ejectment petition seeking eviction of the shop in question from the present petitioners and one of the grounds for eviction was that it was unfit and unsafe for human habitation. It was averred in the said petition that the shop was constructed about 56 years ago and had outlived its life and had become unfit and unsafe for human habitation as the same was in a dilapidated condition and could collapse at any time without signal. It was further averred that the construction had been made in mud mortar and the roof of the shop profusely leaked during the rainy season and the cement had peeled of at many places and the condition of the floor was also bad and there were big pits in the same.

5. The landlord had filed an application dated 07.12.2023 (Annexure P-3) for directing the present petitioners to permit Sh.Ravinder Singla, Retd. Executive Er. Municipal Corporation, Bathinda alongwith the photographer and other persons to enter and inspect the said premises and to take measurements and photographs of the same and for giving their opinion regarding the condition of the demised premises. The said application was opposed by the tenants. Vide the impugned order dated 14.10.2024, the Rent Controller, Bathinda allowed the said application and had observed that as per settled law laid down in “**Robert Sylvester**



CR-6656-2024

-3-

Mendoza Vs. Shabnam Anwarali Battliwala and another, reported as 2023(2) R.C.R. (Rent) 593 (Bombay High Court), it has been held that the landlord has a right to inspect the suit premises and by placing reliance on the same, had further observed that the application was meritorious and no prejudice would be caused to the present petitioners if any particular building expert employed by the respondent-landlord was allowed to visit the premises and to submit a report about the condition of the premises, as the present petitioners would have an opportunity to cross-examine the said witness. It was also observed that appropriate opportunity had to be granted to the respondent-landlord to prove the fact that the premises had become unfit and unsafe for human habitation and for the same, the respondent-landlord had a right to inspect the premises and that no report about the condition of the building could be procured without granting physical access to the expert of the respondent-landlord.

6. The argument raised on behalf of the petitioners to the effect that the said witness was a stock witness and on multiple occasions had suffered strictures, has also been rightly rejected by the Rent Controller, Bathinda by observing that a Court cannot dictate as to which witness a party should examine and the question of reliability and the evidentiary value of the said witness or his report would be considered at the stage of final arguments and thus, the argument raised on behalf of the petitioners does not call for setting aside the impugned order. It would be relevant to note that a perusal of the eviction petition would show that necessary particulars with respect to the premises being unfit and unsafe for human

CR-6656-2024

-4-

habitation have been averred in the petition itself and the argument on behalf of the petitioners that there is no material to prove the said ground is baseless, as the respondent is still in the process of leading his evidence.

7. Keeping in view the above-said facts and circumstances, the impugned order dated 14.10.2024 is in accordance with law and deserves to be upheld and the present revision petition being meritless, deserves to be dismissed and is accordingly dismissed.

November 18, 2024

naresh.k

(VIKAS BAHL)

JUDGE

Whether reasoned/speaking? Yes

Whether reportable? Yes