



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

**CR No.7748 of 2023
Date of Decision: 13.05.2024**

Kishore Kumar

.....Revisionist-Petitioner.

Versus

Sita Ram

.....Respondent.

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

Present:- Mr. Saurabh Bajaj, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-appellant-tenant (here-in-after to be referred as 'the tenant') has laid challenge to the order (Annexure P-4) as handed down by learned Appellate Authority, Karnal, on 30.10.2023 in the ***Rent Appeal No.03 of 2019*** titled as '***Kishore Kumar versus Sita Ram***', whereby the application (Annexure P-3), moved by him for seeking the appointment of the Local Commissioner, has been dismissed.

2. I have heard learned counsel for the petitioner-appellant-tenant in the present revision-petition, at the preliminary stage and have also gone through the file carefully.

3. Learned counsel for the tenant contends that the respondent-landlord had filed a Rent Petition for seeking the eviction of the tenant from the demised premises (booth) on the ground that he required the same



for his personal use and occupation but the site-plan of these premises, as annexed by him (landlord) with the Rent Petition, did not depict the correct dimensions thereof and the tenant had filed the afore-said application as the report of the Local Commissioner regarding the actual/correct dimensions/measurement of the same, was necessary for proper and just adjudication of the above-referred Rent Appeal but vide the impugned order, the Appellate Authority has wrongly dismissed the same and hence, the said order is not legally sustainable and deserves to be set-aside.

4. However, the afore-raised contentions are *sans* any merit as the Appellate Authority has categorically observed in the impugned order that in his written statement, the tenant has not specifically disputed the dimensions of the demised premises and rather, in its para No.5-B, there are averments acknowledging the measurement of these premises being 5'5" X 11'3" and the question as to whether the same are fit to run the business of ready-made garments therein, is to be decided by it (Appellate Authority). Moreover, the tenant has sought the appointment of the Local Commissioner at a much belated stage, i.e during the pendency of the Rent Appeal. To add to it, it is also well-settled that the Local Commissioner cannot be appointed to collect the evidence for any of the parties to prove his/her version in the litigation.

5. Seen from yet another angle also, the instant revision-petition is 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”.

6. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to warrant any interference by this Court. Resultantly, the revision-petition in hand, being devoid of any merit, stands dismissed.

May 13, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *Yes*