

**CR-883-2025 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****(131)****CR-883-2025 (O&M)
Date of decision:- 01.04.2025****Ashok Kumar****... Petitioner****Versus****Gurdwara Shri Guru Singh Sabha, Model Town, Ludhiana Punjab
through its President Sh. Mahesh Inder Singh Grewal****... Respondent****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL****Present:- Mr. Paramjit Singh Sullar, Advocate
for the petitioner.*************SUVIR SEHGAL, J. (ORAL)**

1. Assailing order dated 03.01.2025 passed by the Rent Controller, Ludhiana, whereby an application filed by the petitioner/tenant for appointment of a Draftsman to prepare a site plan of the tenanted premises has been rejected, petitioner has approached this Court by way of instant revision petition.
2. Mr. Paramjit Singh Sullar, Advocate, counsel for the petitioner states that the respondent has filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for eviction of the petitioner, who has been in possession of the tenanted premises for the last five decades, on the ground of personal necessity. He submits that the respondent has claimed that they intend to construct a Langar Hall for the devotees after demolishing the shops



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on the premises, one of which is in the possession of the petitioner. Counsel submits that a Hall is already in existence on the first floor of the Gurudwara Sahib, which is sufficiently large to accommodate the devotees and it has been renovated from time to time to provide modern facilities. Counsel asserts that this fact has been concealed by the respondent and eviction petition has been filed on flimsy grounds. He submits that in order to present the true picture before the Rent Controller, it is necessary to appoint a Draftsman, alongwith a photographer and videographer, to prepare the site plan of the building as also to take photographs as well as video recording. He states that an application filed by the petitioner for this purpose has been rejected by the Trial Court without appreciating its purpose. Counsel urges that the report of the Draftsman/Local Commissioner will aid the Rent Controller in coming to a just conclusion.

3. I have heard counsel for the petitioner and considered his submissions.

4. A Division Bench of this Court in **Pritam Singh and another Versus Sunder Lal and others, 1990 (2) PLR 191** has held that in order refusing appointment of a Local Commissioner does not decide any issue, nor does it adjudicate any rights of the parties. It has been observed that such an order is not revisable. The relevant observations of the Division Bench are reproduced hereunder:-

“6. After going through the judgments cited in the reference order, we do not find that the earlier Judgment in Harvinder Kaur's case (supra) requires any re-consideration. 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. The distinction sought to be made by the learned Single Judge in view of the Judgment in M/s Sadhu Ram Bali Ram's case (supra) was clearly noticed by the



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Division Bench in Harvinder Kaur's case (supra) and it was observed:-

"It may be observed that the facts of M/s Sadhu Ram Bali Ram's case were different as in that case the onus of an issue had been wrongly placed and while deciding that question, it was held that such an order would be revisable."

Apart from that, placing the onus of an issue has something to do with the rights of the parties whereas refusing to appoint a Commission under Order 26, Rule 9, Civil Procedure Code, has nothing to do with the rights of the parties as such. It is the discretion of the Court to appoint a Commission thereunder and if the Court refuses to appoint a Commission, then no right of any party can be said to be prejudiced as such."

5. In view of the judgment of the Division Bench, revision petition is not maintainable and it is dismissed as such.
6. Pending application shall stands disposed off.

(SUVIR SEHGAL)
JUDGE

01.04.2025
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No