



CR-7381-2024 (O&M)

1

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

120

CR-7381-2024 (O&M)

Date of Decision: 03.02.2025

Sanjeev Kumar

... Petitioner

V/S

Kala Mal Changa Mal Trust (Regd.)

.... Respondent

120-2

CR-7382-2024 (O&M)

Ashok Kumar and another

... Petitioners

V/S

Kala Mal Changa Mal Trust (Regd.) and others

.... Respondents

120-3

CR-7426-2024 (O&M)

Kuku Nai

... Petitioner

V/S

Kala Mal Changa Mal Trust (Regd.)

.... Respondent



CR-7381-2024 (O&M)

2

120-4

CR-7428-2024 (O&M)

Goyal Boot House

... Petitioner

V/S

Kala Mal Changa Mal Trust (Regd.) and another

.... Respondents

120-5

CR-7442-2024 (O&M)

Radhesham @ Radhesham (since deceased)
through LRs

... Petitioner

V/S

Kala Mal Changa Mal Trust (Regd.) and another

.... Respondents

120-6

CR-7445-2024 (O&M)

Raju Ghand @ Sanjeev Kumar

... Petitioner

V/S

Kala Mal Changa Mal Trust (Regd.)

.... Respondent

120-7

CR-7451-2024 (O&M)

Happy Kath @ Dinesh Kumar

... Petitioner

V/S

Kala Mal Changa Mal Trust (Regd.)

.... Respondent



CR-7381-2024 (O&M)

3

120-8

CR-7453-2024 (O&M)

Prem Chand

... Petitioner

V/S

Kala Mal Changa Mal Trust (Regd.)

.... Respondent

120-9

CR-7458-2024 (O&M)

Yashpal and another

... Petitioners

V/S

Kala Mal Changa Mal Trust (Regd.)

.... Respondent

120-10

CR-7472-2024 (O&M)

Sanjeev Puri

... Petitioner

V/S

Kala Mal Changa Mal Trust (Regd.)

.... Respondent

120-11

CR-7485-2024 (O&M)

Prem Kumar @ Prem Chand Garg

... Petitioner

V/S

Kala Mal Changa Mal Trust (Regd.)

.... Respondent

**CR-7381-2024 (O&M)****4****120-12****CR-7508-2024 (O&M)****Balwinder Singh Bhunder and another****... Petitioners****V/S****Kala Mal Changa Mal Trust (Regd.)****.... Respondent****120-13****CR-7509-2024 (O&M)****Sushil Bansal****... Petitioner****V/S****Kala Mal Changa Mal Trust (Regd.)****.... Respondent****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL****Present:** Mr. Vikas Mohan Gupta, Advocate for the petitioner.

Mr. Harish Goyal, Advocate for the respondent.

*********SUVIR SEHGAL, J. (ORAL)**

1. This order shall dispose of the above noted 13 revision petitions as they involve common question of law and facts.
2. For the sake of convenience factual position is being taken from CR-7381-2024.
3. By way of present revision petition, petitioner has approached this Court impugning order dated 22.11.2024 passed by the Rent Controller, whereby an application filed by the respondent-landlord seeking permission for permitting the Local Commissioner to enter and



inspect the tenanted premises has been accepted.

4. Mr. Vikas Mohan Gupta, counsel for the petitioner submits that the respondent-landlord has filed a petition, Annexure P-1, for eviction of the petitioner from a shop on various grounds, which is being contested. Counsel submits that while the evidence of the respondent-landlord was being recorded, an application dated 12.04.2024 Annexure P-3, has been filed for permitting Er. Sahil Gupta of Gupta Associates to enter and inspect the building of Dharamshala Seth Kala Mal Changa Mal, Budhlada with permission to prepare a site plan and take measurements and photographs etc. He submits that the application was contested by the petitioner by filing a reply, Annexure P-4 and by impugned order, the application has been accepted. He has assailed the order on two grounds. Firstly, it is his contention that a Local Commissioner could not be appointed to collect evidence for the landlord and secondly, that the Rent Controller had exceeded its jurisdiction in directing the Local Commissioner to make a report as to whether the building is fit for human habitation. He has placed reliance upon the judgment of this Court in *Om Parkash Versus Krishan Lal and others, 2023(3) Law Herald 2576* as well as *Kirpal Singh and others Versus Balkar Singh, 2025(1) RCR Civil 327* to buttress his arguments.

5. On the other hand, counsel for the caveator-respondent has resisted the challenge by urging that by virtue of appointment of the Local Commissioner, no right gets adjudicated. He submits that pursuant to the impugned order, building has already been inspected. Er. Sahil Gupta, has appeared and has been examined-in-chief. He has submitted



his report before the Rent Controller on 10.01.2025. He has referred to the orders passed by the Rent Controller to submit that the cross-examination of the local Commissioner is being deferred at the request of the petitioner. He has placed reliance upon the Division Bench judgment of this Court in *Pritam Singh and another Versus Sunder Lal and others, 1990(2) PLR 191* as also on *Harchand Singh Versus Karambir Singh and another, Law Finder Doc. Id #2015216* to contend that a revision petition against an order passed on an application for appointment of a Local Commissioner, is not maintainable.

6. I have heard counsel for the parties and considered their respective submissions.

7. Plead case of the landlord is that the Trust is the owner of a building bearing MC No. 51, which comprises of a Dharamashala with facilities for the public for conducting social functions and there are rooms for overnight stay of visitors. The premises also comprises of 24 shops, which are abutting a road and one of the shops is in possession of the petitioner as a tenant. Eviction petition has been filed against the petitioner seeking his ejection from the premises on the ground that he is in arrears of rent; that he has made some construction/renovation without the permission of the landlord; that the building is in a dilapidated condition and is not fit for human habitation; and that the premises is required bonafidely for the use and occupation of the landlord. After the framing of issues, the landlord produced some witnesses in support of the eviction petition. While leading evidence, it filed an application Annexure P-3, for grant of permission to Er. Sahil Gupta to inspect the entire building including the shops situated in the



premises. It has been specifically mentioned in the application that as the building is unsafe and unfit for human habitation, report from a Local Commissioner is necessary to support one of the grounds of eviction.

8. In view of this backdrop, it cannot be said that moving of such an application is a step by the landlord for collecting favourable evidence. Rather the report would aid the Court in coming to the conclusion as to whether the building is unsafe and unfit for human habitation as has been claimed in the eviction petition. This Court is of the view that there is no error in the order passed by the Rent Controller, whereby the Local Commissioner has been specifically asked to submit a report regarding the condition of the building and to report whether it is fit for human habitation or not. The judgments relied upon by the counsel for the petitioner are clearly not applicable to the facts of the present case.

9. It is the settled legal position that the report of the Local Commissioner, is only meant to assist the Court along with other evidence produced by the parties to record a finding on one of the grounds for eviction. The evidentiary value of the report would be determined by the Court at the time of final determination of the rent petition. In any case, Rent Controller has taken care of the interest of the petitioner by observing that the competency of Er. Sahil Gupta, to make such a report shall be considered at the time of the cross-examination of the Local Commissioner and at the time of the final adjudication of the petition. There is no illegality or perversity in the order passed by the Rent Controller.



10. Finding no merit in the revision petitions, they are dismissed with no order as to costs.

03.02.2025
pooja saini

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>