

HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE SRI JUSTICE MANOJ KUMAR TIWARI

Writ Petition Misc. Single No. 2037 of 2026

22 July, 2026

Virendra Pal Singh

--Petitioner

Versus

Akhil Kumar

--Respondent

Presence:-

Mr. Arvind Vashishta, Senior advocate, assisted by Mr. Siddhant Tiwari, Advocate for the petitioner.

Mr. Piyush Garg, Advocate for the respondent.

JUDGMENT

1. Petitioner is tenant in respect of a shop. Landlord filed an application seeking release of that shop, under Section 21(a) (1) of U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972. The proceedings initiated against petitioner are pending before Prescribed Authority.

2. Petitioner moved an application for interrogatories in those proceedings. His application was rejected by learned Prescribed Authority, vide order dated 10.06.2026. Thus, feeling aggrieved, petitioner has approached this Court.

3. In his application, petitioner sought answer to the following three questions:-

- i. Whether mother of the applicant (Smt. Shashi Goel) and father of the applicant (Sri Arun Kumar Goel) are

divorced. If yes, then copy of the order of divorce be supplied along with date and name of the court, which passed that order.

ii. Whether the applicant (Akhil Kumar) is declared as mentally unsound by any authority, medical or otherwise, and whether any certificate to that effect has been issued. If yes, then date of issuance of such certificate and the authority, which issued the certificate be disclosed and copy of the certificate be also supplied.

iii. Whether mother of the applicant (Smt. Shashi Goel) has any independent income, information regarding the income earned by Smt. Shashi Goel during the last five years from salary, pension, business rent or any other source be supplied.

4. Learned Prescribed Authority rejected the application by holding that in his written statement, petitioner (tenant) admitted the averments which touch on the issues now raised in the interrogatories and further that burden is upon the parties to prove their case and they cannot collect information through Court in support of their case.

5. This Court concurs with the reasoning given by Prescribed Authority. Even otherwise also, the questions asked by petitioner in his application are not relevant at all for deciding the release application.

6. Learned counsel for respondent is right in submitting that more often than not, in case of landlord-tenant dispute, tenant wants to prolong the

litigation by moving frivolous applications and when the application is rejected, to approach higher forum, to get interim order staying the proceedings pending before Trial Court/ Prescribed Authority.

7. Hon'ble Allahabad High Court in a judgment rendered in the case of *Jagdish Chandra Chawla v. IIIrd Addl. District Judge, Allahabad and others*, 1994 SCC OnLine All 16 held as under:-

“11. The petitioner has not disclosed any reason as to why he wanted to serve interrogatories at the appellate stage when the appeal was posted for hearing. The application under Section 21(1)(a) of the Act was filed in the year 1982. The main object of serving interrogatories is to ascertain the case of the opposite party and to obtain from his opponent information as to the facts material to the questions in dispute between them and to obtain admission of any facts which he has to prove on any issue which is raised between them.

12. The scope of serving interrogatories by way of discovery of certain facts as contained under Section 34(1)(d) of the Act must be on the same principle which is contained under Order 11 of the Code of Civil Procedure. It should be at the initial stage of the proceedings. Once the parties have filed their objections and led evidence the question of serving interrogatories at the appellate stage is normally not to be allowed unless there are some exceptional circumstances and materials are placed before the appellate authority for grant of leave to serve interrogatories on the opposite party. The parties had filed affidavits and other evidence in the case before the Prescribed Authority and the Prescribed Authority had recorded findings of fact. There was no exceptional circumstance to permit the petitioner to serve interrogatories on respondent No. 2. If an application for leave to serve interrogatories on the opposite party is filed after lapse of time, the court is justified in rejecting such application.”

8. For the aforesaid reasons, this Court do not find any scope for interference in the matter while exercising supervisory jurisdiction under Article 227. The writ petition thus fails and is dismissed.

(Manoj Kumar Tiwari, J.)

22 July, 2026

Navin
NAVEEN
CHANDRA

Digitally signed by Navin Naveen Chandra, DN: cn=Navin Naveen Chandra, o=UKHC, ou=UKHC, email=navin.naveenchandra@ukhc.gov.in, c=IN