

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

**CR No.1115 of 2015
Date of Decision:18.02.2015**

Sh. Vikas Manocha

. . . . Petitioner

Vs.

Sher Singh Jain and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.J.K. Goel, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner is aggrieved against the orders dated 4.2.2015 for amendment and dated 28.1.2015, dismissing his application for summoning the witnesses.

The respondent filed a petition under Section 13 of the East Punjab Urban Rent Restrictions Act, 1949 [for short 'the Act'] seeking eviction of the petitioner from the Industrial Plot No.28, Industrial Area, Phase-II, Chandigarh on the grounds of sub-letting, impairment of value and utility on account of addition and alteration and personal use and occupation.

The petitioner moved an application on 28.1.2015 for summoning some witnesses but the said application was dismissed on the same day and the case was adjourned to 4.2.2015. On the next date of hearing, the application filed by the petitioner for amendment was also dismissed. The defendant himself was examined. No other witness was present and the prayer made by the petitioner for adjourning the case for further evidence was

declined and it was fixed for 19.2.2015 for rebuttal evidence and arguments.

The petitioner has thus, challenged both the orders dated 28.1.2015 and 4.2.2015 in the present revision petition.

It is submitted by learned counsel for the petitioner that earlier the petitioner was not aware that the respondent/landlord is doing the business in the name and style of Ajija Wire products and Utsav Marbles in Jaipur, but since he has now come to know about it, therefore, he wanted to lead evidence by summoning the witnesses from Jaipur in order to prove that the respondent has no *bona fide* necessity of the property in dispute situated at Chandigarh.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that the application filed by the petitioner has rightly been dismissed by the Court below because even if the respondent is having some kind of business in Jaipur, he cannot be deprived of his right of seeking eviction of the petitioner, *inter alia*, on the ground of sub-letting, impairment of value and utility and personal necessity, therefore, the summoning of the said witnesses of the petitioner is only a devise to delay the proceedings as the case is at the fag end and ripe for arguments. Thus, there is no error in the order dated 28.1.2015.

As regards the order dated 4.2.2015 is concerned, the Rent Controller has rightly observed that the petitioner has availed seven effective opportunities, including last opportunity, but still he is unable to conclude his evidence, therefore, no further opportunity can be granted specially when the application filed by

the petitioner for summoning of witnesses from Jaipur has already been declined.

In view of the aforesaid, I do not find any merit in the present revision petition and the same is hereby dismissed.

18.02.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**