

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.1402 of 2015

Date of Decision.02.03.2015

Anil Vaid and another

.....Petitioners

Versus

Ashok Kumar Garg

.....Respondent

Present: Mr. Arvinder Arora, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The revision petition is against dismissal of an application to direct the landlord to give voice sample for a comparison with an alleged recording which the tenant claims to have containing the landlord's voice. It is claimed by the tenant that the audio recording contains an offer of sale by the landlord to the tenant's father to sell the property at ₹ 85 lacs. This is reported to have been done subsequent to the filing of the petition.

2. The counsel would state that the Court has dismissed it only on the ground that there is no specific suggestion about offer to sell the property in the cross-examination of the landlord and he cannot compel the landlord to offer his voice. I will find no error in such a reasoning, for, if on the date of the petition there was no offer and the tenant's contention were to be that there was an offer by the landlord subsequent to the filing of the petition, it is for the tenant to put up his

own defence and give such evidence regarding the so called offer to sell the property to his father during the pendency of the proceedings and prove the recording in the manner which is known to law. There is no compulsion which a landlord can be made to submit his voice for a comparison. It is for the respondent to prove the contention of what he is making in the manner known to law and it cannot be done through compelling the landlord to submit his voice for comparison.

3. I find no error in the order for intervention. The civil revision is dismissed.

(K. KANNAN)
JUDGE

March 02, 2015
Pankaj*