

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

C.R. No.1478 of 2015

Date of Decision.02.03.2015

Tarun Kapoor

.....Petitioner

Versus

Balwinder Singh and others

.....Respondents

2. C.R. No.1499 of 2015

Kanta Garg

.....Petitioner

Versus

Balwinder Singh and others

.....Respondents

Present: Mr. Sameer Sachdeva, Advocate
for the petitioner.

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. Both the revision petitions are connected arising out of the same facts. The additional evidence was sought by the tenant on a plea that the counsel had originally closed his side without appropriate instructions. This is a case of landlord seeking for ejectment for personal occupation and the respondent had given his evidence as well. I asked the counsel as to why the petitioner wants to place on additional evidence when his counsel came to give endorsement already that he was closing his evidence. The counsel says that he was not duly instructed and the evidence is with reference to the fact that the landlord was asking for the premises for setting up a *halwai* shop at the first floor which is impermissible by the regulations of the Chandigarh

Administration. If such establishment is impermissible, it will be a matter of evidence by reference to the Regulation and no additional oral evidence is necessary. The counsel also states that the landlord himself owns another property next door and he is seeking for eviction of this premise only and allowing the property next door to be kept vacant. This point also cannot be a matter for additional evidence for the first time. The counsel admits that the reference to the adjoining building has been elicited in the cross-examination and it has been elicited through the landlord that the adjacent building is property held in co-ownership by him and that he is not putting it to use. It will be open to rely on the fact that the property of which the landlord is co-owner is available for user and if that issue has been brought out in evidence, then it will be for the landlord to explain how if he has another property held in co-ownership he would be entitled to secure eviction in respect of the premises.

2. I will not find any particular justification for letting in additional evidence with reference to the detail of what is already brought out. The revision petitions are dismissed.

(K. KANNAN)
JUDGE

March 02, 2015
Pankaj*