

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

CR NO.296 OF 2015
DATE OF DECISION : 14th JANUARY, 2015

Chander Kishore

.... Petitioner

Versus

Sanjeev Kumar & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. Rajeshwar Singh, Advocate for the petitioner.

* * * *

SURINDER GUPTA, J. (ORAL)

Heard.

The revision petitioner has impugned order dated 03.12.2014 passed by the learned Rent Controller, Ludhiana, whereby his application for dismissal of the petition filed by respondent no.1 under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, was declined.

Respondent sought ejectment of revision petitioner from demised premises on the ground of non-payment of rent and personal bonafide necessity. Instead of filing any written statement the revision petitioner moved an application for dismissal of the petition on the ground that he had already vacated the demised premises on 31.01.1991 and placed on file a writing to this effect executed by Asha Rani-previous owner of the demised premises.

In reply, respondent-landlord contested the plea taken by the revision petitioner and termed alleged writing dated 31.01.1991 as forged

and fabricated. His plea is that revision petitioner is carrying on business in the demised premises with his brother. Raj Kishore and the payment of rent was being made from the account of Raj Kishore.

The pleas raised by revision petitioner as well as by the respondent-landlord need evidence. At this stage, the Court cannot rely upon the documents placed on file by revision petitioner, to dismiss ejectment petition filed by respondent-landlord. It is nowhere the case of respondent-landlord that revision petitioner has either sublet the demised premises to his brother Raj Kishore or the premises was ever let out to Raj Kishore or any other brother of revision petitioner. Writing dated 31.01.1991, genuineness of which is denied, requires to be proved by leading evidence. The Rent Controller may also evaluate on merit the fact of payment of rent through cheques by Raj Kishore.

In view of the above facts and circumstances, I find no illegality and infirmity in order passed by the learned Rent Controller. This revision petition has no merits.

Dismissed.

14th January, 2015
'raj'

(SURINDER GUPTA)
JUDGE