

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

CR No. 3328 of 2014 (O&M)

Date of decision: 24.07.2015

Avtar Singh and another

... Petitioners

versus

Charanjit Kaur and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sunil Chadha, Senior Advocate with
Mr. Chetan Bansal, Advocate for the petitioners.
None for the respondents.

K.Kannan, J.

The document which the tenant wanted to produce is a registered sale deed with the Punjab National Bank of a property that stood in the name of the father of the 2nd petitioner and the husband of the petitioner. The attempt of the tenant was to show that there is some other building which was available for the landlord while resisting the action for ejectment brought inter alia on the ground of personal necessity. That landlord wanted to show that he is not the full owner of the property and he cannot be compelled to offer the property only to the son. The only

issue is whether the document produced is relevant. It is surely relevant and it will be competent for the landlord to state that the property is not suitable or the father could not be compelled to give the property to the son. This would be for the consideration of reception of the documents. The Rent Controller was not justified in rejecting the additional documents which is sought to be produced by the tenant.

I set aside the order and allow for the document to be brought on record and needless to state the landlord will be competent to cross-examine the tenant on the document filed and show as to how the sought document will not fetter their claim for eviction on the ground mentioned in the petition.

The impugned order is set aside and the revision petition is allowed with the above observation.

(K.KANNAN)
JUDGE

24.07.2015

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