

CR No.5540 of 2013 (O&M)

[ 1 ]

\*\*\*\*

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

**CR No.5540 of 2013 (O&M)  
Date of decision:10.02.2015**

Lucky @ Gurmeet Singh and others

...Petitioners

Versus

Laj Kaur

...Respondent

**CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain**

Present: Mr. J.S.Ghuman, Advocate,  
for the petitioners.

Mr. Sunil Chadha, Senior Advocate, with  
Mr. Chetan Bansal, Advocate, for the respondent.

\*\*\*\*\*

**Rakesh Kumar Jain, J.**

The petitioners are the heirs of Charan Singh who was a tenant in the demised premises. The petition filed by the landlord under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (here-in-after referred to as the “Act”) on the ground of non-payment of arrears of rent and change of user was allowed by the Rent Controller on 17.08.2010. The appeal filed by the petitioners was also dismissed on 19.07.2013.

At the outset, learned counsel for the respondent has admitted that he would not be pressing the eviction of the petitioners on the ground of non-payment of arrears of rent and would focus only on the finding

\*\*\*\*

recorded by the Courts below on issue no.2.

Learned counsel for the petitioners has then argued that the Courts below have erred in recording the finding on issue no.2 relying upon the lease agreement (Ex.A1). It is submitted that the said document is not admissible in evidence because it has been executed for a period of more than a year, required registration in terms of Section 107 of the Transfer of Property Act, 1882 and since it is unregistered, therefore, it cannot even be looked into for the collateral purposes. In this regard, he has relied upon the following decisions:-

1. **M/s Bajaj Auto Limited v. Behari Lal Kohli**, 1989(2) R.C.R. (Rent) 320;
2. **M/s Godrej & Boyce Mfg. Company Ltd. v. Vivek Wahi and another**, 2001(3) PLR 746; and
3. **State Bank of Patiala v. Joint Hindu Family Firm Inder Sain Nanak Chand**, 1994(1) R.C.R. (Rent) 721.

On the other hand, learned counsel for the respondent has argued that the document Ex.A1 may be inadmissible in evidence but the purpose for which the demised premises was let out can still be looked into as the document can be read for collateral purposes. In this regard, he has relied upon the following judgments:-

1. **Rai Chand Jain v. Miss Chandra Kanta Khosla**, 1991 (1) R.C.R. (Rent) 128;
2. **S.K.Gupta and another v. R.C.Jain**, AIR 1984 Delhi 187;

\*\*\*\*

3. **A.N.Pareekh v. N.H.Naqvi**, 1988(2) R.C.R. (Rent) 99; and
4. **M/s. Ram Mohan and Co. v. Ganesar Ginning Co. P. Ltd., Coimbatore**, 1999(2) R.C.R. (Rent) 430.

I have heard learned counsel for the parties and examined the available record with their able assistance.

The question involved in this case is very short and couched in a narrow compass because it has to be decided as to whether a lease agreement, inadmissible in evidence for want of registration, can be looked into for collateral purpose of letting out the demised premises?

All the judgments relied upon by learned counsel for the petitioners are pertaining to the clause in the lease agreement with regard to subletting which is not found to be a collateral purpose, whereas the judgments relied upon by learned counsel for the respondent are particularly on this issue as to whether the unregistered lease agreement can be considered for collateral purpose and whether purpose of letting out the demised premises is a collateral purpose or not?

It is held by the Supreme Court in **Rai Chand Jain's case (supra)** that an unregistered lease deed can be looked into for collateral purposes and the purpose for which the premises was let out is a collateral purpose. The judgment in **Rai Chand Jain's case (supra)** has further been followed in the other judgments, relied upon by learned counsel for the respondent and hence I am also of the considered opinion that the purpose of letting out the demised premises is a collateral purpose and an

CR No.5540 of 2013 (O&M)

[ 4 ]

\*\*\*\*

unregistered document of lease, which may be inadmissible in evidence for want of registration, can still be looked into by the Court to find out as to what was the purpose of letting out the demised premises.

Since the petitioners have not made any serious attempt to argue on the point that they have been continuing with the purpose for which the demised premises was let out to them i.e. cycle repair as it is even evident from the photographs (Ex.A2 & Ex.A3) that no work of cycle repair is being carried out in the demised premises which is being used for the manufacturing and trading of steel trunks, therefore, I do not find any reason for this Court to interfere in the well considered order of the Courts below.

Resultantly, the present revision petition is hereby dismissed being denuded of any merit.

February 10, 2015  
vinod\*

**(Rakesh Kumar Jain)**  
**Judge**