

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

121

**Civil Revision No.7326 of 2015(O & M)
Date of Decision:14.12.2015**

Punjab National Bank

....petitioner

Versus

Ashok Goyal and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

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

Present: Mr.C.S.Pasricha, Advocate
for the petitioner

Ms.Deepali Puri, Advocate
for the respondents

ARUN PALLI, J.(ORAL):-

Vide order being assailed, dated 28.09.2015, rendered by Rent Controller, Chandigarh, application moved by the tenant-petitioner seeking permission for the handwriting expert to inspect the original records for the purpose of examining the disputed signatures of respondent No.2, namely Mr.Vijay Goyal, on document Mark 'A' and submit a report, has since been dismissed.

Learned counsel for the petitioner submits that the respondents are seeking eviction of the petitioner on account of personal necessity, whereas, vide letter Mark 'A', respondent No.2 had actually proposed enhancement in the rent from ₹ 1,21,875/- to ₹ 8,50,000/-. It is submitted that the document Mark 'A' was put to respondent No.3 i.e.son of respondent No.2, but he denied her signatures on the said document. So much so, respondent No.2 was

not even examined and as a result petitioner was deprived, to cross examine her. And the petitioner had examined the then Branch Manager Sh.Surinder Kumar Thapar (RW2), who testified in his examination-in-chief that the said letter Mark 'A' was signed by respondent No.2 and submitted personally to him by respondent No.3, during his tenure in Sector 26 Branch of the Bank. Not just that, on receipt of the said letter, he had forwarded the proposal to the Chief Manager, GAD, vide letter dated 15.11.2013 (Annexure P7). Thus, it is submitted that the petitioner intends to examine an expert to compare the disputed signatures of respondent No.2 on the document Mark 'A' with her admitted signatures on the eviction petition and the vakalatnama.

Having argued the matter at some length, learned counsel for the parties have reached a consensus that let petitioner be afforded one opportunity to examine an expert and the Rent Controller be directed to decide the eviction petition, within a specified time.

That being so, the order dated 28.09.2015 is set aside and the petition is disposed of, in the following terms:

- (i) Rent Controller shall permit the handwriting expert, whom the petitioner intends to examine, to inspect the original record, on the date that shall be fixed by the Rent Controller in this regard, for the purpose of examining the disputed signatures of respondent No.2 on document Mark 'A' with her admitted signatures and take photographs. In the event of failure, no further opportunity shall be granted.

(ii) Rent Controller shall fix a date by which the expert shall submit his report. And in the event of breach, no further adjournment shall be granted and the Rent Controller will proceed with the matter.

(iii) Rent Controller, shall thereafter, grant only one effective opportunity to the petitioner to conclude its entire evidence. In the event of failure, evidence of the petitioner shall be deemed to have been closed.

(iv) For, the eviction petition is pending since 2011, it is deemed appropriate to request the Rent Controller, to decide the same within three months from the receipt of the certified copy of this order.

14.12.2015

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(ARUN PALLI)
JUDGE