

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.8090 of 2015
Date of decision: 01.12.2015

Shakuntla and others

... Petitioners

Versus

Inderpal Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Kunal Dawar, Advocate for the petitioners.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not? YES
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 26.10.2015, rendered by Rent Controller, Gurgaon, application moved by the tenant-petitioners, to adduce additional evidence, had since been dismissed. The conclusion arrived at by the Rent Controller reads as thus:

“3. Sole point of controversy that has come up for determination before this court is whether or not applicant must be afforded an opportunity to adduce additional evidence so as to prove the factum that petitioner No.1 has been appearing as an advocate in various cases pending in District Court, Gurgaon. Perusal of reply filed on behalf of petitioners reveals that factum regarding petitioner No.1 being a law graduate has been admitted, but it has been stated that he is not enrolled as an advocate with any of the District Bar Association or with any State Bar

Council. Perusal of record of the case reveals that petitioners have filed the instant eviction petition premising their claim of eviction of respondents on the ground of bonafide necessity of petitioner No.1 for opening a computer shop in the demised premises along with other grounds. From submissions made by ld. counsel for both the parties during the course of arguments, it is abundantly clear that petitioner No.1 has been stated not to be enrolled as an advocate with any of the District Bar Association or any State Bar Council. In the backdrop of said averment made on behalf of petitioners, this Court is of considered opinion that petitioner No.1 can not and could not have appeared before any of the concerned Court in capacity of being an advocate. It has been averred on behalf of petitioners that petitioner No.1 comes to District Court, Gurgaon for repairing the computers of advocates. Even if for the sake of argument it is assumed that petitioner No.1 is pursuing some other occupation, same does not bear any logical nexus with bonafide requirement of petitioner No.1 of opening a computer shop in the demised premises in question. It is a matter of common observation that petitioner No.1 would naturally look for some other means of earning his livelihood till the time he obtains the possession of the demised premises for opening his computer shop. In view of the fact that a specific averment has been made in reply filed on behalf of petitioners to the effect that petitioner No.1 is not enrolled as an advocate with either of the District Bar Association or with any State Bar Council, no sufficient ground is made out for allowing application filed by respondents for leading additional evidence so as to prove the factum of

alleged appearance of petitioner No.1 before various courts of Gurgaon Sessions Division as an advocate. With these observations, this court concludes that application filed by respondents is devoid of merit and same is hereby dismissed.”

Concededly, eviction of the petitioner No.1 is being claimed on account of non-payment of rent and personal bona fide necessity of respondent No.1, namely, Inderpal Singh son of late Amarjeet Singh, as he intends to set up a computer business in the premises in question. All what is sought to be brought on record by way of additional evidence is that Inderpal Singh happens to be a Law Graduate and is appearing as Advocate in various cases pending in District Court, Gurgaon. Whereas, in response, it has been clarified that he would visit District Court, Gurgaon, only to repair computers of Advocates. Neither any specific averment as to which are the matters in which Inderpal Singh appeared as an Advocate nor any authentic or credible material was appended with the application moved by the petitioners. Concededly, respondent No.1 is a Law Graduate, but he is not enrolled either with any State Bar Council or Bar Council of India and is, thus, not qualified to appear as an Advocate in any court. Concededly, both the parties have led their evidence and the application was moved when the matter was listed for arguments. Ex facie, the purpose was only to delay and derail the proceedings.

No ground is made out to interfere with the order being assailed, in exercise of revisional jurisdiction. Petition being devoid of merit is accordingly dismissed.

December 1, 2015
Rajan

(Arun Palli)
Judge