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

**CR No.2567 of 2016 (O&M)
Date of Decision : 08.04.2016**

Harish Chand

..... Petitioner

Versus

Ritu Kundra and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. G.C. Shahpuri, Advocate for the petitioner.

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

AJAY TEWARI, J. (Oral)

This petition has been filed against the concurrent judgments of the Courts below evicting the petitioner on the ground of ceasure to occupy the shop.

The case of the respondents was that the petitioner having taken the shop on rent had kept it closed since August, 2008.

Learned counsel for the petitioner has argued that in the first place the respondents never stepped into the witness box and only General Power of Attorney appeared and his testimony could not have been taken into consideration.

In my opinion, this argument is mis-conceived. It is no doubt true that the Courts have held that the evidence regarding things which are in personal knowledge of somebody cannot be deposed about by even a General Power of Attorney but the fact whether the premises is locked or not cannot be said to be

something which can only be in the personal knowledge of the respondents. The Courts below have noticed that the document was a registered power of attorney and in these circumstances rightly refused to accept the contention of the petitioner that the evidence of the attorney should be dis-regarded.

The learned counsel further argued that even testimony of AW-2 does not inspire confidence. As per him, that witness lives at Aurangabad which is 50-60 kms. away from Jagadhri and his statement that he used to go everyday to run his business and crossed the shop in dispute is not credible because he did not bring any record of the business he was running and he admitted that he was a relation of the respondents. The Courts below have noticed that the case of the petitioner was that he was running the business of letting out utensils for marriages but he maintained no record of the persons to whom he let out utensils. Furthermore, the Court found that even electricity connection had been snapped in the premises in dispute and it was in these circumstances, the Courts held that the preponderance of probability lay in favour of the respondents more so since the petitioner did not examine any other person except himself.

In my opinion, it cannot be said that the judgment of the Courts below are as a result of mis-reading of evidence or that the conclusions drawn by the Courts below are such that no reasonable person could come to them.

Dismissed.

April 08, 2016

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(**AJAY TEWARI**)
JUDGE