

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

120

Civil Revision No.5720 of 2016
Date of Decision: September 02, 2016

Ramesh Kumar

...Petitioner

Versus

Smt. Somi Devi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Angel Sharma, Advocate
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

Challenge in this revision petition is to the order dated 04.08.2016 passed by the Rent Controller, Chandigarh, whereby the application for taking voice sample of the petitioner for comparison with the recorded voice contents of CD, has been rejected.

2. It is the contention of learned counsel for the petitioner that as per the pleadings of the respondents-landlords, there is a family settlement which has been entered into between them, according to which respondent No.1 is stating herself to be the owner of Shop No.1590/2. The petitioner through the CD which contains conversation between respondent No.2, the petitioner-tenant and grandson of respondent No.2, where it has been alleged that as per the family settlement, the demised premises would fall to the share of grandson and not in that of respondent No.1, who is asserting herself to be the owner and landlady on the basis of a family settlement. Respondent No.2 is further stating therein that if there is any dispute on that, he will have to file a petition for personal necessity of the daughter of respondent No.1 instead of respondent No.1.

3. I have considered the submissions made by learned counsel for

the petitioner and on going through the eviction petition which has been placed on record as Annexure P-2, the personal necessity which has been projected is that of respondent No.1 and her husband, who is stated to be out of business as of now because of stopping of the business of stone crushers by the Government of Haryana. If that is so, the argument as has been raised by the counsel for the petitioner, would not have any relevance as family settlement is a matter between the family which has nothing to do with the ground of personal necessity as pleaded. It is none of the business of the petitioner, specially when the relationship of landlord and tenant is not disputed and, therefore, the voice sample which is being sought to be taken of the petitioner for comparison with that of the CD, would not be of any relevance as far as the present case is concerned.

4. The order dated 04.08.2016, as has been passed by the Rent Controller, is in accordance with law and is based on proper appreciation of the facts which do not call for any interference.

5. The present petition, thus, stands dismissed.

6. It is, however, clarified that any observation made by this Court in the above order, shall not effect the merits of the case in any manner.

September 02, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No