

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

**Civil Revision No.5866 of 2016 (O&M)
Date of Decision:December 14, 2016.**

Dev Raj

.....PETITIONER(s).

VERSUS

Hari Om

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Harjeet Savra, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

Learned counsel for the petitioner submits that petitioner-tenant has placed on record electricity bills of the shop of respondent-landlord in Amar Dass Market. He moved application to call the official of the electricity board to prove these bills. The revision petitioner by proving these bills intends to prove on file that respondent-landlord has other shops also in Amar Dass Market.

Perusal of order of Rent Controller shows that the application filed by the revision petitioner-tenant was declined on two grounds; firstly that the respondent-landlord has not admitted these electricity bills; secondly, these cannot be connected with respondent-landlord.

Perusal of the electricity bills shows that these have been issued

in the name of Hari Om, landlord. The bills are only issued in the first name

of holder of electricity connection and further details may be stated by the witness, who brings the record.

It is submitted that respondent-landlord is seeking ejectment of the appellant-tenant on the ground that he requires the demised premises for his personal bonafide necessity. The tenant can always prove by leading evidence that the landlord is possessing other premises as well which are either sufficient for him or have not been disclosed in the petition.

In view of my above discussion, this petition is allowed. Order dated 12.08.2016 passed by the Rent Controller is set aside. The application filed by the revision petitioner-tenant seeking production of additional evidence is allowed, subject to deposit of ₹5000/- as costs with District Legal Services Authority, Hoshiarpur, within seven days from today. On deposit of this amount, the Rent Controller will allow only one opportunity to the revision petitioner-tenant to produce the additional evidence. The petitioner-tenant will take dasti summons of the witness.

The order has been passed in the absence of respondent to avoid unnecessary delay and expenses. A copy of this order be conveyed to the respondent. In the event of respondent having any objection, he may file application to that effect. On receipt of the application, the same be listed for hearing.

December 14, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***