

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

121

Civil Revision No.8585 of 2016
Date of Decision: December 20, 2016

Sh. Kavinder Kumar Maini

...Petitioner

Versus

Mrs. Laxmi Banga

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Rakesh Kaundal, Advocate
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

Challenge in this petition is to the order dated 03.12.2016 passed by the Rent Controller, Chandigarh, whereby the application filed by the petitioner-landlord in the rebuttal evidence to examine the official of the department of the respondent-tenant to prove the rent, has been dismissed.

2. It is the contention of learned counsel for the petitioner that in the written statement which has been filed by the respondent-tenant, she had not mentioned that she was working in BSNL. In fact in the cross-examination, it came to light that she was working in BSNL and that she was unable to produce the salary statement. In the light of this fact, the petitioner filed an application for permission to examine the official of the BSNL to prove on the basis of the salary statement the rent which is being received by her for the demised premises which the Court has rejected without any justifiable reason.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the impugned order but do not agree with the contention of the counsel for the petitioner.

4. It could not be disputed by the counsel for the petitioner that the onus to prove the issue, which has been framed i.e. the rent of the demised premises, was upon the petitioner-landlord. In the rebuttal evidence, the party has to lead only that evidence where the onus is shifted upon the said party on the basis of the evidence which has been led by the other party. In the present case, that is not the position and, therefore, the order as has been passed by the Rent Controller dated 03.12.2016 being based upon the settled preposition of law, do not call for interference.

5. The present revision petition, therefore, stands dismissed.

December 20, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No