

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

**CR No.5804 of 2017(O&M)**

**Date of Decision:-09.10.2017**

**M/s Rishi Steel Traders Motia Khan Mandi Gobindgarh.**

.....Petitioner.

**Versus**

**Vaibhav Bassi.**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH**

Present:- Mr. Avtar Krishan Handa, Advocate for Petitioner (tenant).

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**JASWANT SINGH, J.(ORAL)**

Petitioner (tenant) is in revision directed against the order dated 27.07.2017 passed by the Rent Controller, Amloh, whereby the tenant's application dated 04.07.2017 for leading secondary evidence to prove the subsequent power of attorney executed by the respondent (landlord) in favour of his (landlord) brother-in-law Yatin Puri on 11.11.2013, has been dismissed.

Counsel for the petitioner (tenant) has been heard at length.

It is not in dispute that the respondent (landlord)-Vaibhav Bassi filed an eviction application on 10.05.2013 through his father-Atma Ram Bassi, being the Special Power of Attorney Holder on 22.10.2012, seeking the ejection of tenant-petitioner from the demised shop situated at Motia Khan, Mandi Gobindgarh, Tehsil Amloh, District Fatehgarh Sahib.

During the evidence of the tenant, Sh. Yatin Puri, who is brother in law of Vaibhav Bassi-respondent, and in whose favour a subsequent Special Power of Attorney dated 11.11.2013 has been executed by Vaibhav Bassi, which was produced in the Court of Civil Judge (Jr. Divn.), Amloha, was summoned wherein, he made a statement that he has

not brought the original special power of attorney dated 11.11.2013, as the same is not traceable. Thus, on the strength of this fact the petitioner (tenant) intends to prove the power of attorney dated 11.11.2013 by leading secondary evidence as the original is not traceable

However, it is not explained by the counsel for the petitioner and further, it is not borne out from the record as to what is the purpose for leading the evidence in question. The plea taken by the petitioner (tenant) that respondent-landlord is in possession of some other properties has to be proved by way of independent evidence. The argument that the power of attorney itself contains particulars about landlord owning some other properties is without any merit. Merely, owning other properties does not mean that eviction application of landlord is to fail. Section 13 of The East Punjab Urban Rent Restriction Act, 1949 talks about possession and not ownership. Furthermore, in case the petitioner-tenant intends to rely upon the power of attorney dated 11.11.2013, he could have very well put the same to the concerned witnesses of the respondent-landlord and further still, has an option to prove it by examining the relevant witness from the office of Sub Registrar.

In view of the above, I do not find any illegality or infirmity in the impugned order which would warrant interference from this Court and resultantly the present revision petition stands dismissed.

( JASWANT SINGH )  
JUDGE

October 09, 2017  
dk kamra/Vinay

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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |