

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 12.10.2017****CR No.7102 of 2017**

Pradeep Kumar

...Petitioner

Vs.

Savitri Devi

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Rahul Vats, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

1. Having heard learned counsel for the petitioner, I find no patent illegality or irregularity in the order passed by the Rent Controller, Narnaul. Firstly, the application should not have been filed to invite trouble. Secondly, if it was filed, it was without material particulars and definite pleadings as to which tenant had vacated the premises and who was inducted as a tenant by the landlord after the present ejectment petition was filed against the tenant (the petitioner herein),

2. The petitioner cannot compel the landlord to produce lease deeds/rent notes etc. and if the decision-making on the cross-objection of the landlord to the application for production of documents is in progress and not concluded till today, then the tenant is always within his right to put specific questions to the witness in cross-examination regarding the contents of the affidavit that she is not occupying any other suitable premises, then she can always be proved as incorrect by production of evidence at the stage when the petitioning tenant leads his evidence, which stage has not come. If the landlady is found hiding something and adverse inference can always be drawn by court.

3. Also, the application is far too vague in its content to have been entertained, considered and decided and the Rent Controller has done well in dismissing the application, which seeks to collect evidence in favour of the petitioner. The application is aimed apparently to protract the rent proceedings and to gain time.

4. Consequently, the instant petition is dismissed with the freedom to the tenant, which he always enjoys in law, to ask all relevant and leading questions during the cross-examination to elicit the truth from the landlady before her testimony is recorded.

12.10.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *No*

Whether Reportable: *No*