

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CR No.7563 of 2016 (O&M)
Date of decision: 15.02.2017

Ajay Kumar

....Petitioner

Versus

Darshan Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.R.K.Singla, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Present revision petition is directed against the order dated 05.09.2016 (Annexure P5) whereby the application for directing the landlord to produce the documents, has been dismissed by the Rent Controller, Bathinda.

Counsel for the petitioner has raised an argument that the documents were necessary on account of the fact that the landlord had not pleaded the essential requirement under Section 13(3)(a)(i) of the East Punjab Urban Rent Restriction Act, 1949.

However, a perusal of the eviction petition itself would go on to show that the necessary pleadings have been made. Therefore, the base of the argument itself is no longer correct that these documents are required. Even otherwise, the landlord has been duly cross-examined and the relevant sale deeds have been put to him. It is for the Rent Controller to see whether the averments made are correct or not, on the basis of the evidence led. By virtue of an application filed, a tenant cannot be permitted to direct the landlord to produce all the sale deeds and title deeds of his family members also, in Court. Court proceedings are not to be used for the purpose of roving enquiry at the instance of the tenant.

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-2-

The observations made by the Rent Controller that the application has been filed to delay the proceedings seems to be well founded and justified in the facts and circumstances of the present case.

Resultantly, finding no merit in the present revision petition, the same is, hereby, dismissed in limine.

February 15th, 2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*