

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

240

CR No.7774 of 2015
Decided on : 09.03.2017

Amar Nath

... Petitioner

Versus

Vijay Kumar and others

.. Respondents

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

Present:- Mr.Sunny K.Singla, Advocate
for the petitioner.
None for the respondents.

G.S.Sandhawalia, J. (Oral)

The petitioner-tenant challenges the order dated 16.10.2015 (Annexure P/6) passed by the Rent Controller, Malerkotla whereby the request for directions to the witness namely Vijay Kumar (AW-2) for producing the statement of accounts and pass book of account maintained in the State Bank of India, Malerkotla, was declined by the court. The request was declined on the ground that the account statement is not relevant in the present case as the case relates to personal necessity of the respondent-landlord's son.

None has put in appearance to oppose the present revision petition despite service.

Counsel for the petitioner has submitted that it was the case of the respondent-landlord that the premises in question was required for the use of his son, who was of marriageable age and he wanted to settle him in the business of readymade garments. Therefore, requirement as such, was stated to be a bonafide requirement.

In defence, it was the case of the petitioner-tenant that the son of the landlord was already doing business at Club Chowk, Malerkotla. The respondent landlord was also in possession of a big showroom at Club Chowk, Malerkotla consisting of three independent floors. There was no requirement on his part or his son qua shop in dispute. The father was also in possession of the adjoining shop to the shop in dispute which is quite big. The applicant-landlord and his family was also having lot of properties at Malerkotla and they had another shop also opposite to the shop in dispute and this fact had been concealed by the landlord.

It has further been contended by the counsel that even in the affidavit filed by the landlord, it is specifically mentioned that the son namely Abhinandan Jain for whom the requirement of the demised premises was sought, is B.Com pass and is idle. During cross examination of the son, he had denied the fact that he was doing business at the backside of V.K.Garments, Club Road, Malerkotla and even regarding his income tax returns and issuance of pan card and accounts, he was evasive. There was admission that he had got account with SBI Bank, Malerkotla and there was also denial about obtaining loan from SBI bank. The witness had also undertaken to produce the statement of accounts maintained by the State Bank of India from the date of opening.

At that stage, on 16.10.2015, counsel for the petitioner had requested the court to order him to produce the statement which has now been declined on the ground that it was not relevant.

Thus, it has been rightly contended by the counsel for the petitioner that the bank statement would throw a lot of light whether the

requirement was bonafide or not. The fact that Abhinandan Jain was doing business and was financially well padded in contrast to the stand which has been taken to make out the ground and whether the ground which was taken, was genuine or just a made up ground, would help the court to adjudicate on the issue.

In such circumstance, keeping in view the above, this Court is of the opinion that there is merit in the revision petition. Accordingly, order dated 16.10.2015 passed by the Rent Controller, Malerkotla rejecting the request, is set aside. The said Court will take effective steps to ask the concerned witness to produce the relevant record as asked for.

[G.S.Sandhawalia]
Judge

09.03.2017
sd

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No