

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: 08.11.2017

1. CR No.7699 of 2017(O&M)

Mohan Lal		... Petitioner
	Versus	
Ashok Kumar		... Respondent

2. CR No.7704 of 2017(O&M)

Mohan Lal		... Petitioner
	Versus	
Ashok Kumar		... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Gagandeep Singh Sirphikhi, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

This order will dispose of CR No.7699 of 2017 and CR No.7704 of 2017.

The petitioning tenant filed two applications; one under Order 11 Rule 12 to 14 CPC for production of documents by the landlord and another under Order 14 Rule 5 CPC for framing additional issues. The documents relate to Government record of licence issued by the Government to the dealer landlord for regulated sale of pesticides. The landlord's firm deals in sale of pesticides. Both the applications have been decided by a common order dated 6.10.2017 against which the present petition has been filed praying that the same be set aside since it disallows compelling landlord to produce documents which the tenant asserts have a material bearing on the issue of bona fide need to evict him from the rented demised shop.

Earlier, certain documents have come on record as a result of interrogatories put by the tenant to the landlord and in response thereto, several documents have come mentioned in the impugned order which need not be gone into as they are documents produced by the landlord and exhibited on the record of the Rent Controller. The relevancy and evidentiary value to be attached to those documents will be for the Rent Controller to form opinion thereon regarding bona fide need and personal requirement of the landlord for expansion of business in the demised premises. The status of the two firms, namely, M/s Zimidara Kheti Store and M/s National Pest Control would also be for the Controller to examine.

I have heard the counsel and considered his contentions. The learned Rent Controller, Batala, has passed a balanced order disposing of one application while dismissing the other application filed under Order 14 Rule 5 CPC by noticing the first issue framed: whether the petitioner has bona fide requirement of the demised premises for his own use and occupation, the onus of proof of which is on the landlord. The Rent Controller has correctly viewed the issue to have a large scope that covers everything as stated by the tenant in the application. The Rent Controller has not committed any error in observing that the Court would have power to frame additional issues before passing decrees, if the need arises at the time of final adjudication. Additional issues here really mean the core points on which the case can turn and should not be understood as additional issues in the Code of Civil Procedure upon which an extended fresh trial can be based. This would protract the rent litigation which is not in the interest of the parties. Therefore, framing additional issues in the context of this case was not a dire necessity and means that the controller will focus on the entirety of facts cull

out the real issues to test the only short controversy arising for determination which is as to whether the requirement of the landlord is bona fide for possession of his demised premises. The entire material is already on record and duly exhibited and needless to say, the Controller will consider the position of Navin when alleged to be tenant of the landlord and the effect of the income tax papers on record and whatever they add up to.

While parting I think there was no necessity for the petitioner to approach this Court in undue anxiety when the Rent Controller can take care of all the aspects arising in the case. The petitioner/s will be free to lead their evidence and for a due consideration on all the materials placed on record.

With these observations, the petitions are disposed of.

08.11.2017
monika

(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>