

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No. 7806 of 2017 (O&M)

Date of decision: 10.11.2017.

Subhash Chander

...Petitioner

versus

Mohinder Singh Ahluwalia

...Respondent

2.

CR No. 7807 of 2017 (O&M)

Gurmeet Singh

...Petitioner

versus

Mohinder Singh Ahluwalia

...Respondent

3.

CR No. 7808 of 2017 (O&M)

Anand Sharma

...Petitioner

versus

Mohinder Singh Ahluwalia

...Respondent

4

CR No. 7809 of 2017 (O&M)

Gursewak Singh

...Petitioner

versus

Mohinder Singh Ahluwalia

...Respondent

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

Present : Mr. Narinder Kumar Vadehra, Advocate
for the petitioner(s).

RAJIV NARAIN RAINA, J. (ORAL)

1. This order will dispose of all the four petitions cited above by a common order as they arise in the same fact situation against an interlocutory order of the Rent Controller, Ludhiana.

2. Having considered the arguments advanced by the learned counsel for the tenants in these four cases filed against the same

landlord I find no valid ground for interference made out in the interlocutory order passed by the Rent Controller, Ludhiana refusing to accede to the request of the tenant/s that a Draftsman should be appointed to bring out the lay of the land on the rear portion of the four shops in a row belonging to the common landlord, which are the demised premises involved in these four ejectment petitions. The respondent landlord has petitioned the Rent Controller for vacation of the shops from four different tenants for the bona fide requirement of his daughter-in-law to expand her business.

3. There is no force which can restrain the tenant from producing his evidence to dispel the ground of personal need of the landlord. Needless to say, the tenant cannot be allowed to gather evidence in the manner prayed for in the application to allow the draftsman of the respondent to visit personal residential quarters of the landlord which fall at the back of the shops and prepare site plan of the entire property including the shop/s in dispute.

4. Strange as it reads, in the application/s, directions are sought against the landlord to allow the tenant's Draftsman to enter upon private residential premises of the landlord to prepare a site plan of the entire property to be produced as evidence since the landlord/s son earlier carried on his manufacturing business there and has now shifted elsewhere. The petitioners can always make a request to Google Earth for the latest aerial photograph of the spot on payment basis and

produce it for whatever its worth as evidence or relevance.

5. The petitioners in these four cases are tenants of 4 shops in a row belonging to the respondent landlord and the bona fide need of the landlord has to be decided on the strength of the averments made in the ejectment petition. No such direction can be given to cause trespass on the property of the landlord falling behind the four shops which are of no concern of the tenants when it is not pleaded that each shop has a door on the back wall leading to the backyard and they have free access thereon.

6. The Rent Controller, Ludhiana has committed no error or illegality in dismissing the application by the impugned order/s which reasoning assigned in dismissing the applications I endorse. The application/s appear/s to be only delaying tactics to protract the litigation by filing frivolous misconceived application/s.

7. As a result, I do not find any merit in these four connected revision petitions to warrant interference in proceedings under Section 15 of the East Punjab Urban Rent Restriction Act, 1949 of the impugned orders are would hereby dismiss them.

(RAJIV NARAIN RAINA)
JUDGE

November 10, 2017

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Whether speaking/reasoned : Yes

Whether reportable : No