

CR-1007-2018 (O&M)

1

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

121

CR-1007-2018 (O&M)

Date of Decision : 15.02.2018

JASPAL SINGH

....PETITIONER

VS

GURPREET SINGH

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Surinder Sharma, Advocate
for the petitioner.

AJAY TEWARI, J.(Oral)

This petition has been filed against the order of the Rent Controller dated 8.12.2017 (Annexure P-3) declining an application under Order 11 Rule 14 of the CPC for discovery/production of documents. The respondent had filed the petition for eviction of the petitioner on the ground of non-payment of the rent and bonafide necessity. After having appeared as his own witness the respondent appointed somebody as an attorney. The case of the petitioner is that in October 2017 the respondent has obtained the permanent residency visa in Canada and consequently, he no longer requires the premises for his own use and it was under these circumstances that he moved an application under Order 11 Rule 14 praying that the respondent be directed to place on record passport and the power of attorney executed in favour of the 3rd person. The Rent Controller rejected the application and the present petition has been filed.

CR-1007-2018 (O&M)

2

Learned counsel has argued that if respondent has now shifted to Canada, the personal necessity obviously has come to an end. In my opinion, this argument cannot be accepted. A person may get permanent residency of a country but still continue to stay in India. There is no law against that. Even otherwise it is quite possible that the respondent may have applied for permanent residence visa long time ago when he did not have any reasonable prospects of evicting the petitioner and now if and when the petitioner is evicted the respondent has a right to decide whether he wants to come back to India and run the business or stay in Canada. In the event of eviction the law provides a remedy to the petitioner in case he does not occupy the premises.

No fault can be found in the order of the lower Court.

The petition stands dismissed.

Since the main case has been decided, the pending C.M, if any, also stand disposed of.

15.2.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No