

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

C.R No. 2023 of 2015 (O&M)
Date of decision : March 07, 2018

Surinder Chopra

..... Petitioner

v.

Shama Samant and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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

Mr. Raman Mahajan, Advocate
for respondent No.1.

Ajay Tewari, J (Oral)

This petition has been filed against the order of the Rent Controller declining an application under Order 1 Rule 10 of the CPC filed by the petitioner. Respondent No.1 had filed an eviction petition in respect of a shop against Inderjit Singh son of Sant Ram. The petitioner filed an application under Order 1 Rule 10 of the CPC claiming that in fact he was the tenant and Inderjit Singh had no connection with the shop in dispute. The Rent Controller noticed that earlier the petitioner had filed a suit against respondent No.1 in respect of the same premises and in that suit his own witness had admitted in the cross examination that Inderjit Singh was the tenant of the shop in dispute and thereafter that suit was withdrawn by the petitioner. On the basis of this finding, the Rent Controller, as noticed above, rejected the application.

Counsel for the petitioner has not been able to wriggle out of this admission made by his own witness in the previous civil suit.

In the circumstances, no fault can be found with the order of the Rent Controller. Consequently this petition is dismissed.

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

March 07, 2018
'kk'

(AJAY TEWARI)
JUDGE

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