

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

**Civil Revision No.2974 of 2017 (O&M)
Date of Decision:February 06, 2018.**

Shri Sanatan Dharam Shiv Mandir Sabha (Regd), Karnal

.....PETITIONER(s).

VERSUS

Nirmal Krishna

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Parminder Singh, Advocate
for the petitioner (s).

Mr. Mandeep Singh Khillon, Advocate
for the respondent.

SURINDER GUPTA, J.

This is revision against the order dated 11.04.2017 passed by Rent Controller, Karnal, dismissing the application filed by petitioner (landlord) seeking permission to lead additional evidence. Shri Sanatan Dharam Shiv Mandir Sabha through Yudhvir Dhawan has filed petition under Section 13 of Haryana Urban (Control of Rent and Eviction) Act, 1973 seeking ejectment of respondent on the ground of non-payment of rent.

Respondent contested the petition and challenged the authority of Mr. Yudhvir Dhawan to file this petition. He alleged that the payment of rent was being made regularly to duly elected office bearer of the Sabha and against valid receipt and there was no default in tendering the rent.

Vide application seeking permission to lead additional evidence, petitioner sought to prove that it was earlier registered with the Registrar of the Societies under registration No.755. After fresh election of the petitioner Sabha on 04.09.2016, a new registration No.01333 was allotted to the society by the District Registrar of Firms and Societies and the concerned authority also approved new office bearers of the society. In order to prove continuous registration of the Society, its previous registration number and new registration number and to bring on record the list of office bearers, concerned official of the District Registrar (Firms and Societies) was sought to be called.

The application was opposed by the tenant on the ground that registration of the petitioner is not an issue to be decided in this petition, as such, the evidence sought to be produced is not material. Learned Rent Controller dismissed the application with the observation that there is no dispute that respondent is tenant of petitioner society and the evidence with regard to new registration number of the society would not prove relationship of landlord and tenant between the parties.

I have heard learned counsel for the parties and have perused the paper book with their assistance.

This is a petition filed by a society through one of its alleged office bearer. The tenant is disputing the authority of the society to file this petition. He is also alleging that he is paying rent to one of its office bearer and now he is paying rent to the Sabha headed by Mr. Vijay Mal, who has been appointed as Receiver. As per petitioner, the dispute has since been resolved as election of the society has been held and new registration

number has been allotted to the society. Production of above evidence by the petitioner, in no manner, will affect or prejudice the right of respondent-tenant who has to pay the rent to the society. The production of this evidence is material as the tenant on production of such evidence, will be having clarity as to whom he has to pay the rent and may not feel at later stage that he had paid rent to some wrong person. Petitioner society is a juristic person and has been duly recognised under law. If the petitioner has sought to prove this fact by leading evidence, same cannot be disallowed by terming the evidence sought to be produced as irrelevant.

As a sequel of my above discussion, present revision petition is allowed. Impugned order passed by the Rent Controller is not sustainable and is set aside. The application for producing additional evidence filed by the petitioner is allowed.

February 06, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***