

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

**Civil Revision No.2950 of 2018 (O&M)
Date of Decision:May 04, 2018.**

Mukesh Patel

.....PETITIONER(s).

VERSUS

Eepsa Gupta and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

SURINDER GUPTA, J.

Heard.

This is revision against the order dated 13.04.2018, vide which the application filed by the revision petitioner seeking production of additional evidence was declined.

Respondents have filed petition under Section 13 of Haryana Urban (Control of Rent and Eviction), Act, 1973 seeking ejectment of revision petitioner from the demised premises. The tenancy was not disputed. However, the revision petitioner set up a case that he had agreed to purchase the demised premises from the respondents.

Learned counsel for the revision petitioner submits that in order to prove that transaction between the parties, the petitioner has already placed on file and proved the agreement to sell executed by the respondent-landlord and receipt of ₹18 lakhs by them, which find mentioned in the

agreement itself. Vide application seeking permission to lead additional evidence, the petitioner has sought to produce Secretary of the concerned Society to prove that revision petitioner has been paying maintenance charges and Parveen Kumar to prove the payment of ₹10 lakhs to the respondent. This sum of ₹10 lakhs was paid in addition to the amount of ₹18 lakhs, which finds mention in the agreement.

Learned Rent Controller declined the application with the observation that the revision petitioner has already placed on file maintenance bill/electricity bill of the premises. Regarding the permission to examine Parveen Kumar, it was observed that it has nowhere been pleaded in the reply to petition that the amount of ₹10 lakhs was paid in the presence of Parveen Kumar. Learned Rent Controller also took note of the fact that after the change of counsel, adjournments were sought for final arguments and when last opportunity was allowed, the revision petitioner-tenant came up with this application.

The material question to be seen while allowing application seeking permission to lead additional evidence is the relevance of the witnesses sought to be examined. So far as the proof of maintenance charges being deposited by the revision petitioner is concerned, it has nothing to do with the tenancy because a person in possession of a flat in any society has to pay maintenance charges. Even otherwise, revision petitioner has already proved this fact by producing maintenance bill. Learned Rent Controller has rightly declined permission to examine Parveen Kumar as revision petitioner has nowhere alleged that ₹10 lakhs was paid in presence of Parveen Kumar and he was not cited as a witness of

this payment at any point of time.

Keeping in view the above facts, I find no legal or factual infirmity in the impugned order passed by the Rent Controller calling for any interference. This revision petition has no merits.

Dismissed.

May 04, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

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

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