

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

CR-3096-2018 (O&M)
Date of Decision:-9.5.2018

Sanjay Kumar and another ... Petitioners

Versus

Harpreet Singh Lamsar ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sushil Jain, Advocate for the petitioners.

GURVINDER SINGH GILL, J.

The petitioners/landlord assails order dated 2.4.2018 passed by Rent Controller, Panchkula, whereby his application seeking issuance of a direction to the respondent to give his voice sample, has been dismissed.

The learned counsel for the petitioners has submitted that the landlord had filed an ejectment petition against the petitioners mainly on the ground of personal necessity, whereas in fact the real purpose is to pressurize the tenant to hike the rent. The learned counsel has further submitted that in fact the landlord had been asking him over the telephone to increase the rent and such conversation had been recorded by the tenant, the transcript of which has already placed on record before the Rent Controller. The learned counsel has submitted that in order to prove such electronic evidence in terms of Section 65-B of Indian Evidence Act, 1972, the tenant needs to get the same examined from Forensic Science

Laboratory and that his application for leading such evidence after recording voice sample of the respondent has been erroneously dismissed.

I have heard the learned counsel for the petitioners.

It is not disputed that the rent petition is based mainly on the ground of personal necessity. The fact that the landlord, at some stage, had asked the tenant to increase the rent, would not defeat the ground of personal necessity. The Rent Controller has to adjudicate upon ground of personal necessity of landlord on the basis of convincing evidence led by the landlord in respect of his *bona fide* personal requirement. I further find that the learned Rent Controller, while dismissing the said application, has taken note of the fact that the respondent had already availed twelve effective opportunities to lead his evidence. It was the last opportunity for recording evidence of respondent, when the present application was filed.

I do not find any infirmity in the impugned order. Accordingly, finding no merit in the revision petition, the same is dismissed.

9.5.2018

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No