

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

CR No.770 of 2018 (O&M)

Date of Decision: February 06, 2018

Kabir Stationers

...Petitioner

Versus

Manmeet Singh

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

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

HARINDER SINGH SIDHU, J.

This revision petition has been filed against the order dated 10.1.2008 of the learned Rent Controller, Ludhiana, whereby, the application of the petitioner-tenant under Section 45 of the Indian Evidence Act for appointing handwriting expert to prove the rent-receipts issued by PW2 Tajender Singh, has been declined.

The respondent had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, seeking ejectment of the petitioner from five shops as described therein. He had also claimed rent from June, 1997. The case of the petitioner was that initially, he had been paying rent @ Rs.2550/- to Amarjit Singh, father of the respondent during his life time. After his death, he has been paying rent to Tajender Singh, another son Amarjit Singh @ Rs.2870/- per month and that he had paid the rent upto December, 2010 against receipts. The said Tajender Singh while appearing as PW2, during his cross-examination, denied that rent had been received by

him after the death of Amarjit Singh and also denied of having issued the

rent receipts in favour of the petitioner. He however, expressed his willingness to give his handwriting and signatures in court for comparison of the same with the signatures on the rent receipts.

It was at this stage, that the petitioner moved the application, which has been dismissed by the impugned order.

The learned Trial court held that once the rent receipts were not admitted, the burden was upon the petitioner to prove the rent receipts. PW2 was neither a petitioner, nor respondent in the ejectment petition. If the petitioner-tenant wishes to rely on the receipts, the onus to prove the same was on him. He would have his right when the stage for his evidence comes. The application for appointment of handwriting expert when the evidence of the respondent was going on, was premature, as the petitioner would have his right to rebut the evidence of the respondent-landlord on his turn. Accordingly, the application was dismissed.

I find no legal infirmity in the impugned order. The evidence of the petitioner-tenant is yet to start. As rightly held by the Trial Court on his turn he would be at liberty to lead his evidence and prove the rent receipts in a manner as may be permissible in law, including by examination of the handwriting expert,

Dismissed.

February 06, 2018
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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No