

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

Civil Revision No.8236 of 2017(O&M)

Date of Decision: 28.11.2018

Narinder Pal Singh

..... Petitioner

Versus

Gurdial Singh through LRs

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr.Gurpreet Singh, Advocate for the petitioner.

Mr.Vishal Aggarwal, Advocate for respondents
No.1(i) and 2.

SUDIP AHLUWALIA J. (ORAL)

1. The grievance of the petitioner-tenant in the present case is that the respondent-landlord in his original eviction petition had concealed the material fact that the ground floor of SCO No.1108-1109 of Sector 22-B, Chandigarh, was allegedly vacated way back on 19.10.2004 and that he had specifically raised this plea in his written statement filed in the eviction proceeding.

2. Thereafter, the respondent-landlord is alleged to have been evasive on the matter even at the subsequent stages on account of which, the petitioner filed his application seeking answers to certain specified interrogatories by the landlord.

3. But his application was rejected vide the impugned order dated 13.09.2017(Annexure P-4). His contention, therefore, is that the real matter of truth in this manner is being suppressed by the evasive attitude of the respondent-landlord.

4. Learned counsel for the petitioner further submits that he is even willing to give up five of the other interrogatories which were mentioned at Item Nos. 3 to 7 of the annexures to the aforesaid application, if the respondent-landlord answers only the first two interrogatories therein on affidavit.

5. In the opinion of this Court, no prejudice can be caused to the landlord, if he is directed to give categorical answers to only Interrogatories No. 1 and 2 mentioned in the petitioner's impugned application, and the technicality of procedure in the given circumstances need not be permitted to come in the way.

6. Consequently, the present petition is disposed off by setting aside the impugned order dated 13.09.2017(Annexure P-4) and directing the respondent-landlord to answer only the aforesaid two interrogatories on affidavit on or before the date fixed by the Ld. Trial Court.

28.11.2018
Anjal

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No