

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

CR No.8418 of 2018

Date of Decision : 11.12.2018

Prem Kumar

.....Petitioner

Versus

Malwinder Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Sunny K. Singla, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

Notice of motion.

2. Mr. A.S. Syan, Advocate has put in appearance and accepts notice on behalf of the respondent.

3. This revision has been preferred against the impugned order dated 21st November, 2018 passed by the Ld. Rent Controller, Malerkotla vide which an application dated 14th November, 2018 filed by the petitioner-tenant seeking liberty to lead certain additional evidence was rejected.

4. It may be mentioned that the petitioner in his aforesaid application had sought permission to place on record copies of the *Jamabandies* depicting the commercial properties allegedly held by the respondent-landlord, as well as permission to lead additional evidence

by way of examination of a Building Expert to bring before the Court the actual condition of the demised premises, in view of the fact that one of the grounds mentioned in the Eviction Petition was that the petitioner had *“impaired the value and utility of the demised shop, the roof of the shop has been effected, the walls have also been effected, the roof of the shop has come down form its original position and the property becomes unfit and unsafe for human habitation”*.

5. The petitioner in his reply had specifically denied the above averments and had averred, *“it is also wrong hence denied that the shop has become unfit and unsafe for human habitation. The shop is in excellent condition”*.

6. In the opinion of this Court since no evidence in rebuttal after closure of the petitioner's oral evidence on 2nd August, 2018 and documentary evidence on 5th September, 2018 has been forthcoming till now, so he can be granted one opportunity at this stage to lead the additional evidence by way of examination of a Building Expert as sought by him.

7. However, there is little justification to permit the petitioner to lead any additional evidence seeking to depict the existence of other commercial properties allegedly held by the respondent-landlord since the same is not a matter in issue in the pending proceedings, nor eviction of the petitioner has been sought on any such ground like *bona fide* personal necessity of the landlord.

8. Consequently, the impugned order is set aside subject to payment of cost of Rs.10,000/- in favour of the respondent-landlord and with a liberty to the petitioner-tenant to lead his additional evidence by way of examination of the Building Expert from his side, which shall have to be completed on one single date, to be fixed by the Ld. Rent Controller, preferably within a month from the date of communication of this order.

9. The Ld. Rent Controller shall thereafter also endeavour to decide the pending Rent Petition finally as expeditiously as possible and preferably within three months from the date of communication of this order.

10. Disposed off.

December 11, 2018

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No