

Civil Revision No. 2645 of 2019 (O&M)

Date of decision : April 29, 2019

Krishan Kumar (deceased) through legal representative

.....Petitioner

Versus

Harbhajan Singh and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Divanshu Jain, Advocate
for the appellant.

LISA GILL, J.

This petition has been filed by the tenant being aggrieved of order dated 01.04.2019 whereby his application under Order 6 Rule 17 read with Section 151 CPC has been dismissed. Respondent – landlord filed a petition under Section 13 of East Punjab Rent Restriction Act, 1949 seeking ejectment of the petitioner – tenant from the premises in question, on various grounds, including that of personal bonafide necessity. It is pleaded that the landlord required the premises for his own personal use as well as for use thereof, by his sons Jasmeet Singh and Gurvinder Singh. Petitioner – tenant in his written statement has denied the grounds for eviction and has taken a categoric stand that there exists no personal bonafide necessity. As far as his sons are concerned, the landlord's son Jasmeet Singh, it is claimed, is a Chartered Accountant working full time for one particular firm and had number of other properties from where he could carry out his business.

Present application was moved for amendment of the pleading to the extent that the landlord has concealed the factum of Jasmeet Singh having a number of other properties from where he could carry out his

business and moreover Jasmeet Singh during the pendency of the case joined services of TS Agro now known as Supple Tech. Industries Pvt. Ltd. as a full time employee as reflected from the income tax returns produced by Jasmeet Singh himself.

Learned Rent Controller vide impugned order has dismissed the application while observing that Jasmeet Singh was examined on 21.04.2017 when he tendered his Income Tax Return. Present application was, however, moved on 25.03.2019 after a delay of 23 months for which there is no plausible explanation. It is further observed that Jasmeet Singh has placed on record a certificate issued by Supple Tech. Industries Pvt. Ltd. that he is not a permanent employee of the company and he is affording independent professional services. Application was, accordingly, dismissed with the observation that it is merely an attempt to delay proceedings and concealment, if any, by the landlord can be proved by the petitioner – tenant by leading specific evidence in this regard.

I have heard learned counsel for the petitioner.

It is apparent that the ground of the landlord and his sons having other alternate property is clearly pleaded in the written statement. It is also pleaded that Jasmeet Singh is working as a full time employee and not as an independent professional, though now he is claimed to be working with another company. Learned Rent Controller has specifically observed that in case there is any concealment on the part of the petitioner, it is open to the petitioner to prove the same by examining any employee of Supple Tech. Industries Pvt. Ltd. (alleged subsequent employer) in his evidence, as the case is still at the stage of respondent evidence. Therefore, the apprehensions raised by learned counsel for the petitioner are misplaced.

Keeping in view the facts and circumstances of the case, I do not find any ground whatsoever to interfere in exercise of revisional jurisdiction of this Court.

This petition is, accordingly, dismissed.

April 29, 2019
rts

(Lisa Gill)
Judge

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