

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

**Civil Revision No.2996 of 2019 (O&M)
Date of Decision:May 29, 2019.**

Raman Kumar

.....PETITIONER(s).

VERSUS

Dharam Pal

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Arun Jindal, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

In the petition seeking ejectment of petitioner-tenant from the demised premises on the ground of personal bona fide need of the same by the respondent-landlord, who intends to start his business in the demised shop, an application was moved by the petitioner for permission to lead additional evidence to prove that electric connection from the house of respondent-landlord was shifted to the shop of his son Harinder Singla. The pleas raised in this regard by the petitioner in para 3 and 4 of the application are reproduced as follows:-

“3. That the applicant Dharampal in his cross-examination has deposed that the said shops are on lease with Harinder Singla and that his son Harinder Singla is separate from the applicant, but the applicant Dharampal got shifted an electric connection from his house in the said medical shop by illegal manner and on the other

hand, has obtained a new connection in his house in the name of his other son Pankaj Kumar.

4. That if the applicant has got no concern with his son and the said shop, then the question of shifting his residential connection in said shop, does not arise. It is pertinent to mention here that house has been purchased by the applicant from Ranjit Kaur W/o Bhupinder Singh and the connection No.PR68/968 was in the name of said Ranjit Kaur, which has been now shifted by the applicant in the said shop. The connection No.PB-68/1363 is in the name of Pankaj Kumar (son of applicant) in that house.”

The application was declined by learned Rent Controller with observations as follows:-

“After hearing the ld. counsel for both the parties and going through the case file this court is of the considered view that the respondent has prayed that the petitioner had purchased one house from Ranjit Kaur wherein one electricity meter was installed in the name of Ranjit Kaur, which has been shifted in the shop run by petitioner alongwith his son in the name and style of M/s Singla Medical Hall. However, it is also pleaded by respondent that in said house a new electricity meter has been installed in 2014 in the name of Pankaj and as such the respondent who was leading his evidence since 09.08.2018 and had availed almost 12-13 opportunities to lead his evidence could not examine the witnesses whom he wants to examined by way of leading additional evidence moreover counsel for respondent has closed evidence on behalf of respondent on 10.01.2019 and thereafter the case was fixed for final arguments on which date the present application was moved by the respondent. The perusal of entire file clearly reveals that

at the stage no ground is made out to allow the present application as petitioner has himself admitted that his son is running shop in the name and style of M/s New Singla Medical Hall and even it is not the case of respondent that the petitioner is himself running the said shop. Moreover, by mere proving of the fact that the electricity meter from the house is shifted in the shop run by Harinder Singla son of petitioner, respondent would not be able to prove that petitioner is running that shop himself.”

Learned counsel for the petitioner has argued that the respondent-landlord has set up the plea that he is separate from his son, who is running a medical shop. The plea of the petitioner is that the business in the medical shop is being jointly run by the respondent-landlord with his son. To prove his plea, he wants to prove that an electric connection from the house of respondent was shifted to the medical shop. In case, respondent-landlord has no concern with the business of his son, he would not have shifted the electric connection from his house to that shop.

The house near the shop in question has been purchased by respondent from Harbans Singh. That house was having an electric connection in the name of Ranjit Kaur. Learned Rent Controller took note of the fact that the respondent took connection in that house in the name of his son and shifted the connection in the name of Ranjit Kaur to the “New Singla Medical Hall”.

The question, which arises for consideration, is as to whether the evidence sought to be produced by way of additional evidence is material to prove the plea raised by the petitioner that respondent and his

Medical Hall”. Shifting of electric connection could not be a fact to prove the plea that the respondent is running the business in the name and style of “New Singla Medical Hall” with his son Harinder Singla, who is alleged to have taken shop in which he is running the business on lease from his cousin Rekha Rani. The attempt by the petitioner-tenant in moving this application appears to prolonge the pendency of the petition which was filed in the year 2015.

I find no legal or factual infirmity in the order passed by the Rent Controller declining the application of the petitioner, calling for interference in this revision, which has no merits.

Dismissed.

May 29, 2019.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***