

CR-7697 of 2019 (O&M)

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

CR-7697 of 2019 (O&M)
Date of decision: 17.12.2019

Satinder Pal Singh

.....Petitioner

versus

Surinder Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Ankur Ghai, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision, tenant has laid challenge to order dated 03.09.2019 (Annexure P-1), whereby Rent Controller, Ludhiana, dismissed his application for recalling respondent-landlord for further cross-examination.

Briefly, in an eviction petition filed by respondent against petitioner, after completion of pleadings and framing of issues, respondent as PW2 was cross-examined by learned counsel for the petitioner to his satisfaction. During his cross-examination, certain irrelevant questions were put to the respondent, not related in any manner for adjudication of the eviction petition. Respondent replied to the same. On the basis of his reply, petitioner moved an application for recalling respondent for further cross-examination to prove his income tax returns etc., which was dismissed by the Rent Controller vide order dated 03.09.2019.

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Heard.

Having given thoughtful consideration to the submissions made by learned counsel for the petitioner, this Court finds the instant revision completely devoid of any merit for the reasons to follow.

Respondent filed eviction petition against the petitioner under Section 13 of the East Punjab Urban Rent Restriction Act on the ground of *bona fide* requirement for his own use and occupation along with his son to run their business of selling/repairing electric appliances. Thus, it is the respondent who has to prove his *bona fide* requirement before the Rent Controller to succeed in eviction of the petitioner. Income tax returns of the respondent are not at all relevant to adjudicate the eviction petition against the petitioner inasmuch as petitioner has already cross-examined respondent to his satisfaction.

This Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

Learned counsel for the petitioner has not been able to show any such infirmity in the order of the Rent Controller.

Dismissed.

December 17, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No