

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.3666 of 2016(O&M)
Date of Order:25.02.2020

M/s Davinder Traders and another

..Petitioners

Versus

Joginder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjay Tangri, Advocate,
for the petitioners.

Mr. Diwan S. Adlakha, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

Tenants-petitioners have filed the present revision petition against the order of eviction passed by the learned Rent Controller while allowing petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, affirmed in appeal by the Appellate Authority.

At the outset, it must be noticed that during the pendency of the first appeal before the appellate authority, possession of the tenanted premises has been handed over to the landlords.

Both the courts after recording a finding that the requirement of the landlords is bonafide, ordered ejectment of the tenants.

Learned counsel for the petitioners has submitted that the shop in question is located in green market and therefore, it cannot be used for opening shop dealing with electrical instruments. He further submitted that the application for permission to lead additional evidence filed before the first appellate court has not been decided and, therefore, the order passed by

the appellate authority is required to be set aside.

On the other hand, learned counsel for the respondents has submitted that there is no restriction in using the tenanted premises for trading into electrical goods. He further submitted that he has no objection if the application for additional evidence is considered by this Court.

With the consent of learned counsels for the parties, this court has considered the application for permission to lead additional evidence. The tenants want to examine the concerned official with the record from the Punjab Mandi Board who had allotted the shop in question.

In the considered view of this court, such prayer made by the petitioners, at this stage, is clearly an after thought. The landlords while filing the petition had pleaded bonafide requirement but never restricted their bonafide requirement to trading in electrical goods. It is only during the cross-examination of the landlords when they disclosed this fact. Thereafter, the case was fixed for evidence to be led by the tenants. However, no evidence was led in this respect.

When the tenants filed appeal before the appellate authority, no application for permission to lead additional evidence along with the appeal was filed. However, when the appeal was fixed for final arguments, the application was filed. Obviously, the purpose is to hold on to possession as long as possible.

Keeping in view the aforesaid facts, this court is not inclined to allow the application for additional evidence particularly when the possession of the tenanted premises has already been handed over to the landlords.

In view thereof, this court is not inclined to interfere,

particularly when both the courts have already found that the requirement of the landlords is bonafide.

Dismissed.

February 25, 2020
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(ANIL KSHETARPAL)
JUDGE

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