

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

114

CR-544-2021 (O&M)
Date of decision: 23.03.2021

CHANDER KANTA SAHNI

... Petitioner

Versus

SHUKLA KOHLI AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Vishal Aggarwal, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (Oral)

The tenant-petitioner has assailed the order dated 06.02.2020 passed by the learned Rent Controller permitting the landlady to appear through her son. Initially, she appeared in evidence through her husband Sh. Sham Kumar Kohli who tendered his affidavit in evidence and was partially cross-examined. Thereafter, he is alleged to have started suffering from dementia and therefore, a new affidavit of Sh. Sudhir Kumar Kohli-son of the landlady was filed. The tenant filed an application, for rejecting the affidavit of Sh. Sudhir Kumar Kohli tendered in evidence in lieu of examination-in-chief, which stands rejected by the learned Court by way of an impugned order.

Learned counsel for the petitioner contends that the affidavit of Sh. Sudhir Kumar Kohli was tendered without seeking prior permission. He further submits that Sh. Sham Kumar Kohli has made certain admissions which would stand excluded from the record if Sh. Sudhir Kumar Kohli is permitted to appear on behalf of the landlady. He further submits that the

affidavit of Sh. Sudhir Kumar Kohli has been produced in order to cover up the deficiencies in the affidavit of Sh. Sham Kumar Kohli as previously an additional affidavit of Sh. Sham Kumar Kohli was sought to be produced the permission of which was declined by the learned Rent Controller.

This Court has considered the submissions. In the present case, the Court has *prima facie* found that Sh. Sham Kumar Kohli has started suffering from dementia, if that be so, the permission if not sought would be deemed to have been granted.

As regards the second argument, learned Rent Controller while dismissing the application has categorically observed that the statement of Sh. Sham Kumar Kohli is a part of the record and will be considered at the appropriate stage.

As regards the next argument, it may be noted that in the facts of the case, particularly when Sh. Sham Kumar Kohli has started suffering from dementia, it is not possible to conclude that the attempt is made to cover up any deficiency.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

23.03.2021

ashok

Whether speaking/reasoned:

Whether reportable:

(ANIL KSHETARPAL)
JUDGE

Yes / No

Yes / No