

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CM-6566-CII-2021 in/and
CR No.1459 of 2021(O&M)
Date of Order:13.08.2021

SAT BHUSHAN MITTAL

..Petitioner

Versus

LALIT KUMAR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.K.Agnihotri, Advocate,
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing
on account of restricted functioning of the Courts.

C.M.No.6566-CII-2021

For the reasons stated in the application, which is supported by
an affidavit, the delay of 39 days in filing the civil revision is condoned.

The application stands disposed of.

MAIN

The petitioner (tenant) assails the correctness of the order of
eviction passed by the Rent Controller which has been affirmed by the
Appellate Authority. The respondent sought eviction of the petitioner on the
ground of non-payment of rent, material impairment of the value and utility
of the building and also for his bona fide requirement. Both the Courts have
ordered eviction after finding that the respondent(landlord) requires the
tenanted premises for his bona fide requirement. It has come on record that
respondent(landlord) is manufacturing corrugated boxes and wants

additional space for their storage.

Learned counsel representing the petitioner filed previous petition which was dismissed as withdrawn, without seeking permission to file a fresh one. He hence submits that the subsequent petition is not maintainable.

On a Court question, learned counsel representing the petitioner admits that before both the Authorities, the petitioner never pressed this aspect. However, he contends that the aforesaid defence was taken in the written reply.

A plea in the reply is insufficient unless it is pressed. The Rent Controller after examining the pleadings, framed the issues. The petitioner never made a request for framing the said issue. Even at the stage of final hearing before the Rent Controller or before the Appellate Authority, the attention of the courts was not drawn to this aspect. Now, in the revision petition, the petitioner wishes to base his argument on the aforesaid defence. The scope of revisional jurisdiction under the East Punjab Urban Rent Restriction Act, 1949, is limited. The petitioner cannot be permitted to raise a fresh and new point at this stage.

The learned counsel further submits that the lease deeds (Ex.P-2 and Ex.P-3) are forged and fabricated documents. He contends that no doubt the lease deeds are signed by the petitioner and the witnesses, however, the stamp papers for the aforesaid lease deeds were issued on a subsequent date.

This aspect has been examined by the Appellate Authority in para 19. It has been held that the execution of the lease deeds has been proved and the petitioner has not led any evidence to prove that these lease

deeds are forged and fabricated. It has been held that except taking a bald plea in the written statement, the petitioner has not led any evidence to prove how and in what manner the alleged forgery has taken place. In addition, the petitioner does not dispute his tenancy. He claims that he is a tenant of Manoj Kumar who is predecessor-in-interest of the respondent.

The 5 Judge Bench of the Hon'ble Supreme court in **Hindustan Petroleum Corporation Ltd. vs. Dilbahar Singh(2014) 9 SCC 78**, has held that while hearing a revision petition, the High Court cannot re-appreciate the evidence and scope of interference in the concurrent finding of facts is very narrow.

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

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

August 13, 2021
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(ANIL KSHETARPAL)
JUDGE

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