

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

CR-1937-2021(O&M)

Date of decision:-16.9.2021

M/s Trendsetters and another

...Petitioners

Versus

Kanwal Thakar Singh

...Respondent

**CORAM: HON'BLE MR.JUSTICE H.S.MADAAN**

Present: Mr.Divanshu Jain, Advocate  
for the petitioners.

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**H.S. MADAAN, J.**

Briefly stated, the facts of the case are that petitioner – landlady Kanwal Thakar Singh (herein respondent) had filed a petition under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 against respondents i.e. M/s Trendsetters, SCO 18 (Ground/Mezzanine Floor), Sector 17-E, Chandigarh and its partner Sh.Ramesh Kapoor (herein petitioners), which has been pending in the Court of Rent Controller, U.T., Chandigarh. During the course of proceedings, respondents/tenants had filed applications for sending the pen-drive containing audio and video recordings for forensic examination and for directing the petitioner, her counsel Sh.R.S. Walia, Sh.Subodh Walia,

respondent Sh.Ramesh Kapoor and Sh.Atul Kapoor to get their video and audio recorded in Central Forensic Science Laboratory for the reason that defence of the respondents is that petitioner wanted to increase rent and when negotiations failed, the ejectment petition was filed on the false ground of personal necessity and further the petitioner had raised objections to the certificate filed by the respondents under Section 65-B of the Indian Evidence Act. According to the respondents recording in the pen-drive has relevance to the matter in issue. Those applications were opposed on behalf of the petitioner (herein respondent). Vide order dated 3.9.2021, the Rent Controller, U.T. Chandigarh dismissed both the applications. Feeling aggrieved the respondents have filed the instant revision petition.

I have heard learned counsel for the revisionists besides going through the record.

The Rent Controller, U.T., Chandigarh placing reliance upon judgment **Mohinder Singh Versus Baljit Singh (2014) 176 PLR 535** in which judgment **Shibcharan Das Versus (Firm) Gulabchand Chhotey Lal, AIR 1936 Allahabad 157** has been referred observing that 'where negotiations are being conducted with a view to settlement in should be held that these negotiations are being conducted "without prejudice". In such circumstances, it is not open for one of the parties to give evidence of an admission made by another'. Learned Rent Controller, U.T. Chandigarh has observed that from the applications filed by respondents, it comes out that recordings in pen-drive are of negotiations, which were recorded by Sh.Atul Kapoor, therefore, the same could not be allowed to

be put to the petitioner being irrelevant. As such, the application vide which petitioner had raised objections to respondents certificate under Section 65-B of the Evidence Act and the other application filed by respondents for sending pen-drive containing audio and video recordings for forensic examination were dismissed.

When the conversation recorded does not have any relevance to the proceedings in ejectment petition, there is no occasion for confronting any witness therewith. As such no necessity is there of sending pen-drive containing audio and video recordings for forensic examination.

As regards the judgment referred to by learned counsel for the revisionist i.e. *Mohinder Singh Versus Baljit Singh and others* (supra) wherein it was observed that relevance, admissibility and probative value of evidence are different aspects and are important in their respective fields. There cannot be any dispute with such proposition of law. However, the occasion for confronting the witness with the conversation recorded in the pen-drive might have arisen if that had some relevance with the ejectment proceedings. The talks, which took place between the parties with regard to settlement before filing of ejectment petition certainly do not have any relevance in the ejectment proceedings. Therefore, the applications were rightly dismissed by Rent Controller, U.T., Chandigarh. This judgment referred to by learned counsel for the petitioners cannot help the petitioners in any manner.

The order passed by the Rent Controller is quite detailed, well reasoned based on proper appraisal and appreciation of the legal as

well as factual position and the same does not suffer from any illegality and infirmity and can certainly be not termed as arbitrary or having been passed against settled legal principles, which might have called for interference by this Court while exercising revisional jurisdiction.

Thus, finding no merit in the civil revision petition, the same stands dismissed.

16.9.2021  
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**(H.S.MADAAN)**  
**JUDGE**

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

**Whether reportable : Yes/No**