

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

**201**

**1. Civil Revision No.1443 of 2017 (O&M)**

M/s. Surinder Singh & Brothers  
and another

... Petitioners

Versus

B. Harnam Singh & Sons  
and another

... Respondents

**2. Civil Revision No.2993 of 2021 (O&M)**

M/s. Surinder Singh & Bros  
and another

... Petitioners

Versus

B. Harnam Singh & Sons  
and another

... Respondents

**3. Civil Revision No.3524 of 2021 (O&M)**

Teja Singh since deceased through his  
daughter Sharanjit Kaur

... Petitioner

Versus

B. Harnam Singh & Sons  
and another

... Respondents

**Date of Decision: 06.04.2022**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Sharad Mehra, Advocate,  
for the petitioners.

Mr. A.D.S. Sukhija, Advocate,  
for the respondents.

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**ANIL KSHETARPAL, J. (Oral)**

By this order, three revision petitions i.e. CR No.1443 of 2017,

CR No.2993 of 2021 and CR No.3524 of 2021, stand disposed of.

**CR No.1443 of 2017 (O&M)**  
**CR No.2993 of 2021 (O&M)**  
**CR No.3524 of 2021 (O&M)**

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These three separate revision petitions have been filed by the tenants challenging correctness of interlocutory orders passed by the Rent Controller.

In CR No.1443 of 2017, the petitioners pray for setting aside the order dated 19.01.2017. By this order, the Rent Controller has directed the landlords to prove rent note dated 03.07.1981, family settlement dated 13.10.2001 and copies of court notice issued in the year 1995 by leading secondary evidence.

Learned counsel representing the petitioners contends that the tenants were inducted by Dalip Singh brother of Gian Singh. He contends that the application for permission to lead secondary evidence could not be allowed.

The landlords assert that pursuant to a family settlement executed on 13.10.2001, the tenanted premises has come into their share.

Keeping in view the aforesaid facts, the Rent Controller has only permitted the landlords to prove the documents by way of secondary evidence. It has been pleaded that the primary evidence of these documents is not in their possession. The secondary evidence has been allowed subject to proof of existence and loss of the said documents.

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

The petition stands dismissed.

In CR No.2993 of 2021, the same petitioners, as in CR No.1443 of 2017, pray for setting aside the order dated 27.10.2021. The

**CR No.1443 of 2017 (O&M)**  
**CR No.2993 of 2021 (O&M)**  
**CR No.3524 of 2021 (O&M)**

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Court has refused to strike off the defence of the tenant and also refused to stay the proceedings in the subsequent eviction petition.

The subsequent eviction petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, has been filed on a different ground. The first petition was filed on the ground of bona fide necessity and second petition has been filed on the ground that the tenants have ceased to occupy the premises continuously for a period of more than four months, prior to the filing of the petition.

In view thereof, the second petition is on a different ground, hence, no ground is made out to interfere with the impugned order.

In CR No.3524 of 2021, the petitioner pray for setting aside of order dated 02.11.2021. The tenant's application, for dismissal of the ejectment petition on the ground that it was filed against dead person, has been dismissed.

It is evident that late Sh. Teja Singh was impleaded through his daughter Sharanjit Kaur. Thus, the petition was not filed against a dead person.

Keeping in view the aforesaid facts, all the three revision petitions are dismissed.

**(ANIL KSHETARPAL)**  
**JUDGE**

**06.04.2022**  
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No