

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2256 of 2018(O&M)
Date of decision: 27.07.2022

Manjit Singh

..Petitioner

Versus

Rajinder Singh

..Respondent

CR-2257 of 2018(O&M)

Dharam Chand Kutharia

..Petitioner

Versus

Rajinder Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K.Sandhir, Advocate
for the petitioner.

Mr. Prateek Sodhi, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

The learned counsel representing the tenant, at the outset, admits that before grant of an interim order, the landlord has already taken back the possession of the tenanted premises (two adjoining shops) in the execution petition.

The tenant assails the correctness of the concurrent orders of eviction passed under Section 13 of the East Punjab Urban Rent Restrict Act, 1949 (hereinafter referred to as 'the 1949 Act'). The landlord claims that he, along with his two brothers Sh. Satinder Singh and Sh. Rishi, purchased the property and now, requires the same for construction of a

showroom spread over all the three shops which were purchased by them.

The petitioner herein is a tenant of two shops.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the judgments passed by the Rent Controller as well as the Appellate Authority.

The learned counsel representing the petitioner submits that the landlord, in cross-examination, has admitted that he does not himself require the premises, whereas, it is required for his brothers.

On the other hand, the learned counsel representing the landlord has submitted that the learned counsel representing the tenant is trying to read a small part of the sentence in the cross-examination in isolation of the complete statement. He submits that the petitioner, while filing the petition, has specifically asserted that he, along with his two other brothers, bonafidely require the premises in order to construct a showroom spread over all the three shops. It is the case of the landlord that his two brothers are helping him as masons and due to recession in the construction business, now, all the three brothers, jointly, want to run a showroom in order to have regular income.

It is well settled that before coming to a conclusion the deposition of a witness is required to be completely read. At the end of the cross-examination, a suggestion was given to the landlord to which he replied that his brothers require the showroom and not him. This part of the statement cannot be read in a manner which nullifies the entire pleadings as well the rest of his deposition. In examination-in-chief, he has, positively, stated that all the three brothers jointly want to construct a showroom in order to have another source of income as well as to provide proper

employment to the two other younger brothers of the landlord.

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

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

July 27th, 2022
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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>