

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

203

CR-8020-2014 (O&M)

Date of decision: 30.11.2022

VINOD KUMAR

..Petitioner

Versus

VIJAY KUMAR AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunil Kumar Chadha, Sr. Advocate
with Mr. Kiranpreet Singh Sidhu, Advocate
for the petitioner.

Mr. Amit Jain, Sr. Advocate
with Mr. Varun Prakash, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

The petitioner herein, is a tenant. The petition for his ejectment filed in the year 2004 still remains pending before the Rent Controller, the trial Court. In other words, the petition is pending before the Ist Court for the last 18 years. The petitioner's evidence was closed by the order of the Court. Thereafter, he filed an application for additional evidence which was dismissed by the Rent Controller. In the High Court, an opportunity was granted to the petitioner to lead the additional evidence. He examined Sh. Dharminder Kumar, the concerned official of the Income Tax Department, who stated that the record of the Income Tax Department has been weeded out, hence, the original partnership deed dated 12.01.2004 is not available in their department. He also stated that the original deed was never submitted to the Income Tax Department.

Thereafter, the petitioner filed an application for permission to lead secondary evidence which was dismissed and his evidence was closed by the order of the Court. The petitioner claims to be a partner in a

partnership firm M/s Vijay Kumar Naresh Kumar Cloth Merchant. A partner in general is supposed to have the possession of the partnership deed.

Hence, no ground to interfere is made out.

Dismissed.

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

November 30th, 2022

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*