

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

115

CR-1751-2022

Date of decision: 07.05.2022

Jagjiwan Sharma

.....Petitioner

Versus

Jaswant Kaur Sehmi

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajesh Punj, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been preferred under Article 227 of the Constitution of India for setting aside the order dated 25.03.2022 (Annexure P-1) passed by the learned Rent Controller, Chandigarh.

Learned counsel for the petitioner inter alia contends that the petitioner herein is a tenant of House No.2195, Sector 21, Chandigarh (hereinafter referred to as 'demised premises'). Learned counsel contends that the rent petition filed by the respondent-landlady is nothing but a tool to harass the petitioner and get the demised premises vacated by hook or by crook. The respondent is in fact in the habit of filing eviction petitions against her tenants and it is a matter of record that all the previous eviction petitions filed by the respondent against different tenants were dismissed.

Learned counsel submits that the trial Court while passing the impugned order (Annexure P-1) failed to appreciate that the respondent had no genuine much less bonafide ground for moving an application (Annexure P-12) seeking to get herself examined as a

witness through video conferencing.

Learned counsel further submits that the respondent is a 80 years old lady and has been residing in England for the last many years. She thus has no intention of ever returning to India much less settling down here.

Learned counsel further submits that since the application filed by the respondent-landlady was not as per the format prescribed under Schedule II of the Punjab and Haryana High Court Rules and Orders, the same should have been dismissed.

I have heard learned counsel and perused the material placed on record.

A perusal of the application dated 01.11.2019 (Annexure P-12) reveals that the respondent-landlord is a heart patient who is also suffering from various other medical ailments and has undergone surgical intervention. The respondent-landlady in her application dated 01.11.2019 (Annexure P-12) averred that since she is 80 year old heart patient and has undergone angioplasty coupled with the fact that she has been suffering from arthritis in addition to having undergone knee replacement, she would not be able to travel to India as her mobility was restricted.

A perusal of the impugned order reveals that the submissions of the respondent were duly substantiated by her medical and other related documents which were placed on record. This Court, therefore, does not concur with the submissions of the learned counsel for the petitioner that the application filed by the respondent-landlady for getting herself examined as a witness through video conferencing

was not genuine or bonafide. Moreover, this Court at this stage cannot conduct a summary trial as to whether the respondent has the intention to settle down in India or not. It is a matter which would be appreciated during trial after both the parties have led their respective evidence. It would also be relevant to point out here that Part H(V) of the Punjab and Haryana High Court Rules and Orders, qua Video Conferencing Rules came into effect on 10.12.2021. Therefore, the respondent cannot be faulted with, for not making the application (Annexure P-12) as per the format prescribed under Schedule II of the Punjab and Haryana High Court Rules and Orders. Even otherwise, it is a settled principle of law that procedural law is meant to subserve the ends of substantive law and it should not be construed in a manner which would cause hindrance in the administration of the same.

As an upshot to the above discussion, the impugned order does not warrant any interference.

Dismissed.

07.05.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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