

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

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**CR-2183-2022 (O&M)
Date of Decision : 27.05.2022**

Sunil Kumar

...Petitioner

versus

Shree Sanatan Dharam Sabha (Regd.)

...Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Deepak Aggarwal, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

The present revision petition has been filed challenging the impugned order dated 17.05.2022 vide which the application for production of documents stated to be in possession of the respondent-landlord has been dismissed.

The brief facts relevant to the present *lis* are that the respondent-landlord filed an ejectment petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the Act of 1949') for eviction on the ground of bonafide personal requirement that it required the premises for extension of the school. It was averred in the ejectment petition that there was acute shortage of space with the school and hence to accommodate the students the extension of the building is required for which the present ejectment petition was filed. When the case was fixed for the evidence of the petitioner-tenant, the present application for production of documents was filed. The documents sought are as under :

- (i) List of Science students studying in the +1 and +2
of S.S.D Sr. Sec. School Bathinda, (Medical & Non-

Medical separately) from the year 1998-99 to till date

(ii) List of girls students studying in the S.S.D Sr. Sec. School Bathinda (Class wise list) from the year 2005 to till date

(iii) Record regarding permission to admit girls students in the S.S.D Sr. Sec. School Bathinda

(iv) Record regarding ownership of the shopping complex consisting of more than 50 shops abutting on the Mall Bathinda & Subhash Market, Bathinda including the shop in dispute

(v) Record regarding total number of shops let out by S.S.D Sabha applicant/petitioner in shopping complex abutting on the Mall & Subhash Market, Bathinda.

(vi) Record regarding number of eviction application has been filed by the applicant Sabha against the different tenants in the shopping complex abutting on The Mall & Subhash Market, Bathinda since 2015

(vii) Record regarding the status of eviction application filed by the applicant Sabha against the different tenants since 2015

(viii) Copy of letter dated 02.05.2016 issued by DEO (SS) Bathinda regarding the strength of the students in S.S.D Sr. Sec. School, Bathinda

(ix) Copy of letter No.87/Accounts dated 18.04.2016 issued by Principal of S.S.D Sr. Sec. School, Bathinda to the DEO (SS), Bathinda

(x) Copy of letter No.S.S.D, S.S.S01/05/2016-17 dated 31.05.2016 issued by the Secretary S.S.D Sr. Sec. School, Bathinda to Smt. Veena wife of Sh. Sushil Kumar for relieving from duty

Learned counsel for the petitioner-tenant would contend that the

said documents are necessary to prove that the premises are not bonafidely required as also to rebut the contention that the strength of the students is to be increased.

Heard.

A perusal of the application reveals that the petitioner-tenant is wanting to embark on a roving and fishing enquiry and has sought documents which have absolutely no relevance to the requirement of the respondent-landlord.

It is trite that the tenant cannot dictate to the landlord as to how the premises is to be utilised by the landlord. Suffice it to say, once the landlord is able to prove that the premises is bonafidely required by him, how he intends to use the premises would be no concern of the tenant. The present application appears to be only an endeavour to embark upon a roving and fishing enquiry and to delay the matter.

In view of the above, I do not find any merit in the present revision petition which is accordingly dismissed. Pending applications, if any, also stand disposed off.

May 27, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO