

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

117

CR-376-2023

Date of decision : 23.01.2023

Ashok Kohli @ Ashok Kumar Kohli

... Petitioner

Versus

Usha Luthra

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Vinay Puri, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has impugned the order dated 03.01.2023 (Annexure P-10) whereby the application preferred by him for discarding and expunging the fresh examination in-chief by way of affidavit filed by the respondent/landlady has been declined.

Learned counsel for the petitioner submits that the respondent/landlady had filed a petition for eviction of the petitioner/tenant. She had earlier filed an affidavit and had been cross-examined at length by the petitioner. She, thereafter, had filed an affidavit where contradictory pleas have been taken and the affidavit ought to be discarded. There is no provision in the CPC for filing another affidavit without the permission of the Court.

Heard.

The respondent/landlady had filed a petition under Section 13 of the East Punjab Urban rent Restrictions Act, 1949 for eviction on the ground of *bonafide* necessity as his son, who is residing abroad, wants to return and set up his business and arrears of rent. It is true that an affidavit had earlier been filed by the respondent/landlady and she had been cross-examined. She had

filed another affidavit and the petitioner/tenant could not substantiate his arguments that there are contradictory pleas in the affidavit which would warrant discarding the same. Even in the event of there being contradictory pleas, the petitioner would get an opportunity to cross-examine the landlady in terms of the second affidavit. Therefore, I do not find any manifest illegality in the impugned order (Annexure P-10) declining the application of the petitioner for discarding the second affidavit of the respondent/landlady.

Consequently, the petition stands dismissed.

Needless to observe that the petitioner would be granted adequate opportunity to cross-examine the respondent/landlady with regard to the contents of the second affidavit.

(ANUPINDER SINGH GREWAL)
JUDGE

January 23, 2023
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No