

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.7515 of 2013 (O&M)

Date of Order:09.10.2023

M/sBedi Auto Engineering and others

.Petitioners

Versus

Kartar Kaur and others

..Respondents

C.R. No.7523 of 2013 (O&M)

M/s Bedi Auto Engineers and others

.Petitioners

Versus

Kartar Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Divanshu Jain, Advocate,
for the petitioners.

Mr. Puneet Jindal, Sr. Advocate, with
Ms. Malvi Aggarwal, Advocate
for the respondents.

Mr. Nitin Jain, Advocate
for the applicants.

ANIL KSHETARPAL, J

1. In these two connected revision petitions, the tenants assail the correctness of the concurrent findings of fact arrived at by the Rent Controller which in appeal was affirmed by the Appellate Authority. While allowing the two connected rent petitions, the eviction of the tenants has been ordered concurrently by the authorities below.

2. The eviction of the tenants has been ordered on the ground that the petitioners have changed their business from an Automobile service to furniture business. It is an admitted fact on the record that Shop Nos.8 and 9

were separately rented out for doing the business of automobile alone and for no other purpose. When the tenant appeared in the evidence, he admitted that the photographs Ex.P3, Ex.P4 and Ex.P5 pertain to shops of Parwana Palace(owned by the landlord). He admitted that the sign board of the Novelty Furniture is affixed outside shop nos.8 and 9, in photograph Ex.P3. However, he has stated that he has never installed the same. He also admitted that the bedding and the prepared furniture is lying inside and outside of the shop. He also admitted that he never made any complaint to anyone with regard to placement of the furniture.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book. The learned counsel have also filed the synopsis along with gist of their arguments.

4. The learned counsel representing the petitioners has vehemently contended that these photographs were found to be not proved on the ground of material impairment. He submits that the same photographs could not be relied upon to order the eviction of the petitioners. He further submits that the landlords did not step into the witness box nor they examined any shopkeeper to prove the ground of the change of user of the rented premises.

5. On the other hand, the learned counsel representing the respondents while drawing the statement of Sh. Narinder Pal Singh Bedi, the tenant, submits that the correctness of the photographs Ex.P3, Ex.P4 and Ex.P5 has been admitted by the tenant categorically. He further submitted that despite directions issued by the Rent Controller to the tenants to produce sales tax report, income tax report and balance sheet, the petitioners did not produce the aforesaid documents and therefore, the courts have rightly

drawn an adverse inference against the petitioners under Section 114(g) of the Indian Evidence Act.

6. This Court has considered the submissions of the learned counsel representing the parties.

7. The scope of interference of the High Court in the revision petition filed under the Rent Act is limited in view of the judgment passed by the five Judges Bench in *Hindustan Petroleum Corporation Ltd. vs. Dilbahar Singh*(2014) 9 SCC 78. In this case, on appreciation of the evidence, both the authorities have concurrently found that the landlord has successfully proved the ground of eviction with regard to change of user. Moreover, the petitioner besides admitting the photographs showing the furniture like bedding inside the shop and in front of the shop has failed to produce the relevant account books despite the direction of the Court.

8. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

9. Both the revision petitions are dismissed.

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

October 09, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO