



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

**CR-4497-2025  
Decided on : 21.07.2025**

Kamal Kishore

..... Petitioner

Versus

Atul Gupta and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

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

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**VIKRAM AGGARWAL, J(ORAL)**

The instant petition, preferred under Article 227 of the Constitution of India, assails order dated 06.05.2025 (Annexure P-5), passed by the Court of Rent Controller, Chandigarh vide which the application for additional evidence moved by the petitioner-tenant was dismissed.

2. The respondents-landlords instituted a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the Rent Act') (Annexure P-1) seeking eviction of the petitioner-tenant from the demised premises (Hall situated on the backside of Plot No.551, Phase-II, Industrial Area, Ram Darbar, Chandigarh) on the grounds of non-payment of rent and personal necessity.

3. The petition was opposed by way of a reply (Annexure P-2) in which the relationship of landlord and tenant was admitted and the grounds of eviction were denied. As regards non-payment of rent, it was averred that rent was being



paid regularly and that the petitioner-tenant was not in arrears of rent. As regards personal necessity, it was averred that the respondents-landlords were running business from different showrooms in Chandigarh, the details of which were given in the written statement.

4. During the pendency of the eviction petition, an application for additional evidence (Annexure P-3) was moved by the petitioner-tenant seeking to produce CCTV footage to prove that the respondents-landlords were carrying on business in different premises in Chandigarh.

5. The application was opposed by way of a reply (Annexure P-4).

6. Vide impugned order dated 06.05.2025 (Annexure P-5), the application for additional evidence was dismissed leading to the filing of the instant revision petition.

7. I have heard learned counsel for the petitioner.

8. Learned counsel for the petitioner has vehemently submitted that the Rent Controller erred in dismissing the application. He submits that the evidence sought to be produced would be essential for the just decision of the case and, therefore, the Rent Controller erred in rejecting the same on flimsy grounds. Learned counsel submits that the Rent Controller did not consider the matter from the correct perspective and erroneously dismissed the application. In support of his contentions, learned counsel has placed reliance upon the judgments of Coordinate Benches of this Court in ***Bachan Kaur @ Manjit Kaur versus Kuldip Kaur @ Marina Jayne Squires and another 2023 (2) Law Herald 913*** (Law Finder Doc Id # 2223398) and ***Santosh Kumar Berry versus Nirmala Devi and others 2012 (34) R.C.R. (Civil) 806*** (Law Finder Doc Id # 420285).



9. I have considered the submissions made by learned counsel for the petitioner but find the same to be devoid of merit.

10(i). Before advertng to the merits of the present issue, a few dates would be relevant. The eviction petition was instituted in January, 2021. After the appearance of the petitioner-tenant, filing of reply, framing of issues etc., it appears that evidence of the respondents-landlords commenced, which was eventually closed on 01.05.2023. Thereafter, 28 opportunities were availed by the petitioner-tenant to lead and conclude the evidence which was eventually closed on 19.11.2024. The matter was then fixed for rebuttal evidence and arguments when the application for additional evidence was moved.

10(ii). Reverting to the facts of the present case, it had duly been pleaded in the written statement that the respondents-landlords were running their business from different properties in Chandigarh, the details of which were also given in the written statement. Under the circumstances, it was open for the petitioner-tenant to lead evidence in support of his claim. However, the CCTV footage, which is now sought to be produced, was not produced. The application moved by the petitioner-tenant does not even remotely mention as to why the said evidence could not be produced at the relevant stage nor does it mention that despite due diligence, the said evidence could not be produced. Still further, the details of the evidence sought to be produced was not furnished and the period for which it was required was not given. It is, therefore, clear that the application contained totally vague averments.

10(iii). As has been noticed, the petitioner-tenant availed more than 28 opportunities to lead and conclude his evidence but did not think it important to



produce the CCTV footage. It appears that the application was moved at the fag end of the trial with a view to delay the proceedings. It has to be borne in mind that though where evidence or documents are essential for the just decision of a case, they should be permitted to be produced and matters should not be rejected on mere technicalities. However, even for that, an applicant is expected to show his bonafides, which in the present case are lacking.

10(iv). Learned counsel, during the course of arguments, also submitted that the application was in fact an application under Order 11 Rule 14 CPC for production of documents and while relying upon the judgment of a Coordinate Bench in the case of ***Bachan Kaur @ Manjit Kaur versus Kuldip Kaur @ Marina Jayne Squires and another*** (supra), submitted that the same deserved to be allowed. This contention of learned counsel for the petitioner is also devoid of merit, for, it was never an application under Order 11 Rule 14 CPC and it was only an application for additional evidence. Even otherwise, no documents had been sought to be produced and, therefore, the application, by no stretch of imagination, can be stated to be one moved under Order 11 Rule 14 CPC.

10(v). The Rent Controller examined the matter from the correct perspective and rightly rejected the application. I do not find any reason to interfere in the impugned order passed by the Rent Controller.

10(vi). I have perused the judgments relied upon by the learned counsel for the petitioner. In the case of ***Bachan Kaur @ Manjit Kaur versus Kuldip Kaur @ Marina Jayne Squires and another*** (supra), an application under Order 11 Rule 14 CPC moved by defendant No.1 for production of documents had been disposed of. The grievance of defendant No.1 was that certain documents which were in



possession of the plaintiff had not been produced. The Coordinate Bench, after examining the matter, came to the conclusion that the application should have been allowed. While allowing the revision petition and directing the trial Court to pass a fresh order, the Coordinate Bench also observed that the production of documents can be ordered by the Court after satisfying itself about the relativity or essentiality of production of such documents which had not been done by the trial Court in that case. This judgment would not come to the aid of the petitioner, for, the Rent Controller has duly examined the matter and has held that the additional evidence sought to be produced would not be essential for the just decision of the case and as to how the said CCTV footage would have a bearing on the decision of the case. In *Santosh Kumar Berry versus Nirmala Devi and others*’ case (supra), an application had been moved for reopening the case for tendering witnesses for examination which was dismissed. The Coordinate Bench held that by imposing costs, such a prayer could have been allowed. In the considered opinion of this Court, this judgment would also not help the petitioner, for, this Court does not find any reason to allow the application by interfering in the well reasoned order passed by the Rent Controller.

In view of the above, the revision petition is found to be bereft of merit and is accordingly dismissed.

Pending application(s), if any, shall stand disposed of accordingly.

21.07.2025  
mamta

(VIKRAM AGGARWAL)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |