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

CR-6364-2024

Date of decision : 04.03.2025

Varinder Gupta

... Petitioner

Versus

Shree Sanatan Dharam Sabha (Regd.)

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms.Aastha Goyal, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 30.07.2024 (Annexure P-1) passed by the Rent Controller, Bathinda, vide which the application for production of documents regarding ownership of SSD Sen. Secondary School (Boys), Mall Road and shops adjoining to the school, has been dismissed.

2. Learned counsel for the petitioner has submitted that the documents with respect to the ownership of the premises in question are necessary for the adjudication of the present case and has submitted that thus, the application filed by the present petitioner directing the respondent to furnish the documents regarding the ownership of the school and the



adjoining shops is meritorious and the same deserves to be allowed, whereas vide impugned order dated 30.07.2024, the same has been dismissed. Learned counsel for the petitioner has further submitted that the present case is at the initial stage, inasmuch as, the replication is yet to be filed by the respondent.

3. This Court has heard the learned counsel for the petitioner and has perused the paper book and finds that the impugned order has been rightly passed and deserves to be upheld and the present petition being meritless, deserves to be dismissed for the reasons stated hereinafter.

4. It is not in dispute that the respondent-landlord had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for ejectment of the petitioner-tenant from the shop in question. It was the plea of the respondent-landlord that the present petitioner had taken the shop in question on rent from them at a monthly rent of Rs.7500/- per month and had executed a rent note dated 17.03.2008 in favour of the respondent-landlord and the rate of rent was to increase by 5% after every year. In the written statement dated 10.04.2019 (Annexure P-5) filed by the petitioner, in paragraph 3, it was specifically admitted by the petitioner that the petitioner was a tenant under the respondent-landlord and thus, the relationship of landlord and tenant was not denied. On 21.02.2024, the petitioner had moved an application for production of documents regarding ownership of the school and the adjoining shops and had sought for a direction to the landlord to furnish the said documents.



5. The Rent Controller vide order dated 30.07.2024 had dismissed the said application on the ground that since the relationship between the respondent and the present petitioner with respect to them being landlord and tenant was not disputed, thus, the documents which were sought to be produced were not relevant for deciding the case and accordingly, the application was dismissed. It was further observed that the petitioner had even failed to mention the ground for which he was seeking production of the said documents.

6. It is a matter of settled law that in the rent proceedings, the primary issue which is to be decided between the parties is whether the person who has filed the eviction petition is the landlord or not. The fact as to whether he is the owner or not is not a condition precedent for the said person to seek eviction. The relationship of the present petitioner and the respondent being tenant and landlord has not been disputed before this Court and in the said circumstances, it is apparent that the present application seeking direction to the respondent-landlord to produce documents has only been filed to delay the proceedings, which were instituted in the year 2017. Moreover, a perusal of the application dated 21.02.2024 would show that it has not been stated as to on what basis the petitioner came to know that the respondent-landlord is not the owner of the property. Even, on a pointed query raised by this Court, learned counsel for the petitioner has not been able to refer to any document or material to show that the respondent-landlord is not the owner of the property. At any rate,



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since as per the case of the petitioner, the evidence of the petitioner-tenant is yet to be led, it is always open to the petitioner-tenant to lead evidence in support of any plea taken in the written statement, during the course of trial.

7. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the impugned order deserves to be upheld and the present petition being meritless, deserves to be dismissed and is accordingly dismissed.

(VIKAS BAHL)
JUDGE

March 04, 2025.
Davinder Kumar

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