

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

202

CR-1437-2025 (O&M)

Date of decision: 11.02.2026

Sahil

...Petitioner(s)

Vs.

Vikrant Khera

...Respondent(s)

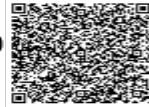
CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sudhir Paruthi, Advocate for the petitioner.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of the Constitution of India has been filed by the petitioner/tenant seeking setting aside of the order dated 13.02.2025 (Annexure P-5) passed by learned Rent Authority, Jalandhar; whereby application filed by the petitioner under Order 11 Rule 1 and 12 CPC, has been dismissed.

2. It is *inter alia* submitted by learned counsel for the petitioner that the impugned order prima facie deserves to be set aside on the ground that application of the petitioner for interrogatories has been dismissed without assigning any reason. It is contended that, therefore, the impugned order has been passed in haste without applying judicial mind. Even the relevance of any of the interrogatories has not been considered. It is submitted that on the short ground itself, the impugned order deserves to be set aside. It is accordingly prayed that the present Revision Petition be allowed; and the impugned order be set aside.



3. No other argument is raised by learned counsel for the petitioner. I have heard learned counsel and perused the file. I find no merit in the submissions advanced on behalf of the petitioner.

4. Brief facts of the case are that the respondent had filed Ejectment Petition dated 02.04.2024 (Annexure P-1), under Section 24 of the Punjab Rent Act, 1995, seeking eviction of the petitioner from the demised premises. Respondent is an NRI of Indian origin having migrated to Canada. It is the contention of the petitioner that he had filed an application for leave to defend dated 'Nil' (Annexure P-2) within the stipulated time. Thereafter, on 10.01.2025, petitioner had moved instant application (Annexure P-3) under Order 11 Rule 1 and 12 CPC for issuing interrogatories to the respondent. The said interrogatories read as under:

"(a) Whether the petitioner and his father had been running business under the name and style "M/S Khera Electronics" at the entire building at Ground Floor, First Floor and Ground Floor and they had being doing the said business upto the year 2012?

(b) Whether in the entire complex, of which the demised premises is the portion, there are three floors i.e. Ground Floor, First Floor and Second Floor?

(c) Whether the property in question was let out to the respondent in the month of February, 2017?

(d) Whether in the month of February, 2017 all the shops in the building were lying vacant?

(e) Whether the shop adjoining to the shop in question, which was lying vacant at the time of creation of the tenancy of the



respondent, was let out to one Manmohan Singh who had started the business of General Merchandise/cosmetics?

(f) Whether the said shop adjoining to the demised premises on ground floor which was let out to Manmohan Singh was vacated by him (tenant) in the month of Jan, 2023?

(g) Is it correct that the adjoining shop to the shop in question is still lying vacant and in occupation of the petitioner?

(h) Whether the petitioner Vikrant Khera had started his showroom at Adarsh Nagar in the year 2013 when the petitioner himself was in vacation possession of the entire building of which the demised premises is the part?

(i) Whether the shop at First Floor was let out by the petitioner to Vishvas Khera in the year 2018 when the petitioner had left the tenanted premises which was in his possession at Adarsh Nagar, Jalandhar, who use to run LIC Agency in the name of his wife in the said premises?

(j) Whether in the year 2019 said Vishvas Khera vacated the First Floor Shop and whether it was again let out by petitioner to one Pandit/ Astrologer in the year 2021, who vacated the same after 5-6 months from the date of tenancy?

(k) Whether after getting the said shop at First Floor vacated from Pandit/ Astrologer, it was re-let to Shri Vishvas Khera in the year 2021 who again vacated the said shop on First Floor in the end of year 2022?

(l) Whether the said First Floor is lying vacant since the year 2022 till date and the petitioner is in occupation of the same?

(m) Whether the shop at Second Floor is also lying vacant and is in possession of the petitioner?

(n) Whether the petitioner did not deem it proper to start any business in the premises/ shops lying vacant at Ground Floor, First Floor and Second Floor, which are in his possession?



(o) Whether the Ground Floor shop lying vacant and in possession of the petitioner is having 13 feet front and 22 feet depth?

(p) Whether the shop in question is measured 09 feet front and 22 feet depth?

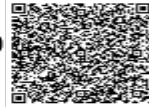
(q) Whether the petitioner is a foreigner being citizen of Canada?

(r) Whether in order to settle permanently at Canada, the petitioner had obtained Super VISA for his parents?

(s) Whether both the children of the petitioner are studying at Canada and are regular students.”

5. Vide the impugned order, the said application of the petitioner has been dismissed on the ground that the same has been filed by the petitioner *“Just to delay the proceedings of the present case.”* I find myself in agreement with the view taken by the learned Rent Controller. The record further reveals that the petitioner has failed to advance arguments on the application for leave to contest despite grant of numerous opportunities. Thus, observation of the learned Rent Controller that instant application has been filed only to delay the matter, appears to be correct.

6. Moreover, respondent cannot be called upon to lead evidence against himself. Interrogatories are designed to save the rigour of protracted trial. However, the same cannot be misused for collecting evidence. Clearly in the facts and circumstances of the case as noted above, admission or denial by the respondent, of the above said interrogatories would amount to giving evidence against himself. It is



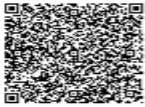
established position in law that party cannot be called upon to lead evidence against themselves and contrary to their interest. It is upon the petitioner to prove his own case. The aforesaid information sought by the petitioner is available in the Rent Petition. In support, reference is made to the following two judgements of the Delhi High Court passed in **Micromax Media Pvt Ltd v. M/s Hewlett Packard India Sales Pvt Ltd, (Delhi): Law Finder Doc Id # 2043299**; wherein it is held that: -

“A. Civil Procedure Code, 1908 Order XI Rules 1 and 5 Interrogatories - Objective of interrogatories is to narrow the controversy and facilitate framing of issues on disputed facts - Interrogatories cannot be used to shift the plaintiff's burden of proof or to compel the defendant to answer questions in support of the plaintiff's case.”

7. Reference is made to another judgment passed in **Centrient Pharmaceuticals Netherlands B.V. v. Dalas Biotech Limited, (Delhi) : Law Finder Doc Id # 1812872**, wherein it is held that *“...interrogatives by plaintiffs to extract something, which it could do so in the cross examination, cannot be allowed.”*

8. Furthermore, the interrogatories do not even appear to be relevant to the present suit in view of the following facts.

9. Clearly therefore, the impugned order suffers from no error. In view of the above discussion, no ground is made out to exercise the revisional jurisdiction of this Court. The present Civil Revision Petition stand **dismissed**.



10. Pending application(s) if any also stand(s) disposed of.

11.02.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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