

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.1579 of 2015

Date of Decision.04.03.2015

M/s Ganga Singh and sonsPetitioners

Versus

M/s Mohan Lal and anotherRespondents

2. C.R. No.1580 of 2015

Sarojni PrasharPetitioner

Versus

M/s Mohan Lal and anotherRespondents

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

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ? Yes
2. To be referred to the Reporters or not ? Yes
3. Whether the judgment should be reported in the Digest? Yes

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K. KANNAN J. (ORAL)

1. Both the revision petitions are connected arising out of same facts and are being disposed of by a common order. The petitioners are the respondents-tenants before the Rent Controller who are facing an action for ejectment on the ground of personal necessity and for the buildings alleged by the landlord as unfit for human habitation. The contention of the tenants is, inter alia, that the building complex consists of 22 shops of which tenants themselves have occupied only two shops and there are no bona fides in the landlord for severing building from their hands, particularly in view of the fact that the buildings are well kept in a state of repair and the landlord himself has actually let out some portions of the building to two banks. The

counsel would refer me to the notice for production of documents given that includes a demand for production of all rent agreements/lease agreements executed by the landlord in respect of other tenants for the property in the same door No.175. The Court below has allowed for some documents to be brought on record but not all of them and the petitioner would state that the Rent Controller was in error on observing that the documents which are not produced were irrelevant. The production of lease deeds by the landlord in respect of other buildings were surely relevant to consider the quality of building and whether the property could have been let out to petitioners if the building was in a non-habitable state.

2. If some of the provisions relating to production of documents as contained in CPC were to be incorporated in rent control proceedings, the governing consideration shall be Order 11 of the CPC. It shall be lawful for the Court under Order 11 Rule 14 at any time during the pendency of the suit to order production by any party of such document in his possession or power relating to the matter in a question. If the documents are not produced or if there are no interrogatories which are administered, the consequence is set forth under Order 11 Rule 21. The power will extend as far as to to have the suit dismissed for want of prosecution or if it is a case of defendant to have his defence struck. If there had been no order for production by the Court and the landlord who was only responding to a notice to produce some documents in the manner which is contemplated under Order 11 Rule 16 then the consequences of non-production shall only be making the Court to draw an adverse inference for non production. It shall then be

possible for the defendant who sought for production of the document to plead of what he is contending for and in this case, the relevance would be that the landlord was not willing to produce all the documents of lease and denied himself an opportunity to fend off the attempt to contradict what the tenant states in defence. The non-production of document, therefore, cannot cause any prejudice to him. It will strengthen his defence and enable the Rent Controller to make adverse inference. The counsel is aggrieved by the fact that the Court has held that the documents are irrelevant. I will vacate that finding and I will leave it to the defendant to plead for the relevance of the document at the time of his arguments and the Court will take its decision at the time of disposal of the case on merits.

3. The civil revisions are disposed of with the above observations.

(K. KANNAN)
JUDGE

March 04, 2015
Pankaj*