

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

CR No.2389 of 2015

Date of decision : April 07, 2015

Jasdeep Singh

..... Petitioner

Versus

Mrs. Uma Rani

..... Respondent

CORAM : HON'BLE MR.JUSTICE GURMIT RAM

1. To be referred to the Reporters or not? No / Yes
2. Whether the judgment should be reported in the Digest? No / Yes

Present : Mr. Pawan Kumar Gupta, Advocate,
for the petitioner.

GURMIT RAM, J.

1. This revision petition has been filed by the petitioner (tenant)- Jasdeep Singh against the order dated 24.03.2015 (Annexure P-9) passed by the learned Rent Controller, Kurukshetra vide which his application filed for leading additional evidence has been declined.

2. During the pendency of the rent petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act 1973 (in short “the Act”) the present petitioner (tenant) filed an application under Section 151 CPC to lead additional evidence. It is mentioned in the application that while preparing the arguments, it was revealed that medical record pertaining to the petitioner (respondent herein) is not exhibited on the file. Documents pertaining to the medical record of the petitioner (respondent herein) are already on the file as Mark-J to Mark-O. He wanted to summon Doctors from PGI Chandigarh, Ambala City and Kurukshetra to prove the

said medical record of the petitioner (respondent herein). It is contended that it is very material to prove the abovesaid documents for the just and proper decision of the case and hence the instant application.

3. In reply, the respondent herein (petitioner) took preliminary objection that this application is simply filed to delay the proceedings of the case and also to harass her. Then it is her case that her husband Sh.Daya Shankar Sharma as PW-6 in his affidavit has admitted that respondent herein (petitioner) is suffering from several ailments and chronic disease. She has undergone left eye ratina, fundus operation in PGI Chandigarh on 31.05.2013 and a lot of money was spent on her said treatment. Then it is also admitted that she was operated upon for her left eye Cataract (lens) from P.D. Memorial Chauhan Eye and Maternity Hospital Kurukshetra on 19.02.2013. Then it is also admitted that she was also treated by Dr. Mohit Bansal of Bansal Eye Hospital Lasik Laser Vision Centre Ambala City from 11.04.2013. Then it is also admitted that ultimately she has also taken treatment from the advance eye centre PGI Chandigarh from 25.04.2013 as an outdoor patient and was operated on 31.05.2013 for left eye Epiretin Membrane Surgery. Further she is also suffering from chronic joint pain and is under treatment from Dr.Vikas Goel Apna Hospital Kurukshetra.

4. Learned Rent Controller after hearing learned counsel for both the parties and going through the record as well, dismissed this application vide the impugned order (Annexure P-9).

5. Feeling aggrieved against this order, the petitioner(tenant) has come up in the instant revision petition.

6. Learned counsel for the petitioner (tenant) has been heard and

record as available on the file has also been perused.

7. Vide this application the petitioner (tenant) is seeking permission of the Court to lead additional evidence in order to prove the documents pertaining to the medical record of the petitioner (respondent herein). The said documents have already been brought on the record as Mark-J to Mark-O. As abovesaid, the petitioner (respondent herein) has herself admitted in her reply about her ailments and the treatment got by her in this regard from different hospitals. So there is no need to prove her said medical record being admitted by the petitioner (respondent herein) herself. It is the well settled law that admitted facts need not to be proved. Then it is also recorded in the impugned order that the case is fixed for rebuttal evidence, if any and arguments on 06.04.2015.

8. So keeping in view the above circumstances, this application is nothing but a device to linger on the proceedings of the case before the learned Rent Controller and also to harass the petitioner (respondent herein). Consequently, there is nothing wrong in the impugned order, hence this revision petition being meritless stands dismissed and disposed of accordingly.

9. Nothing said herein above will have any effect on the merits of main case stated to be pending before the learned Rent Controller.

April 07, 2015

Gaurav Sorot

**(GURMIT RAM)
JUDGE**