

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

C.R. No.2748 of 2015

Date of Decision.24.04.2015

Ranjit Singh Ghuman

.....Petitioner

Versus

Harjit Kaur

.....Respondent

Present: Mr. Mandeep Singh Sachdev, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. The petitioner is aggrieved that the Court has rejected an application filed under Order 13 Rule 10 CPC for production of records from Jalandhar Improvement Trust on a view expressed by it that the power to summon under the said provision obtains only from its own record or from any other Court. Improvement Trust is not a Court and therefore, it cannot be summoned. The petitioner states that he was constrained to file such application in view of the direction given by this Court that such an application under Order 13 Rule 10 CPC cannot be moved.

2. The proceedings before the Improvement Trust if it were to be contended as public record, a power to summon the document could not be exercised under Order 13 Rule 10 CPC but the power to summon the public record must be taken as available to the Rent Controller by virtue of Section 16 of the East Punjab Urban Rent Restriction Act, 1949.

The power to summon, enforce the attendance of witnesses must be taken as including a power to summon the evidence from a witness who may be a public authority. The order passed is set aside and the matter is directed to be considered afresh in the light of the provisions of Section 16 and the petition already filed must be read as petition when the powers of the Rent Controller could be exercised under Section 16 of the Punjab Rent Restriction Act. I dispense with notice to the respondents and pass this order only because further time need not be lost and I have not disposed of the case on merits and leave it to the Rent Controller for consideration in accordance with law.

3. The civil revision is allowed.

(K. KANNAN)
JUDGE

April 24, 2015
Pankaj*