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

CR No.3672 of 2013 (O&M)

Date of decision: March 17, 2015

Ujjal Singh

.....Petitioner

Versus

Ram Partap Puri and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Gurcharan Dass, Advocate
for the respondents.

SABINA, J

Petitioner has filed this petition challenging the order dated 04.04.2013, whereby application moved by the petitioner for permission to lead additional evidence before the Appellate Authority, was dismissed.

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

Respondent No.1 had sought ejectment of the petitioner under Section-13 of the East Punjab Urban Rent Restriction Act, 1949 against the petitioner and respondent No.2, on the ground of personal necessity, subletting and nuisance. The ejectment petition was allowed by the Rent Controller vide order dated 17.11.2008 (Annexure P-4). Against the said order, petitioner had preferred an appeal.

During the pendency of the appeal, petitioner moved an application for permission to lead additional evidence. By way of additional evidence, petitioner wants to prove on record Power of Attorney dated 26.02.2009 executed by respondent No.1 in favour of Ashok Kumar Sabharwal. The attorney of the respondent No.1 had further executed agreement to sell qua the property in question on 02.03.2009.

Learned Appellate authority while dismissing the application has held that the Power of Attorney dated 26.02.2009 had already been cancelled by the respondent No.1 after he came to know that the said attorney had executed agreement to sell dated 02.03.2009 in favour of Tajinder Singh and others.

During the course of arguments, it has transpired that 15 civil suits are pending between the respondent No.1 and the alleged purchasers challenging the Power of Attorney dated 26.02.2009 as well as agreements to sell executed on the basis of the said Power of Attorney. Thus, the documents sought to be proved on record have already been challenged by respondent No.1 on the ground of mis-representation and fraud. So far as sale-deed dated 06.05.2009 is concerned, the copy of the same was not produced before the Appellate Authority. During the course of arguments, learned counsel for the petitioner has submitted that the petitioner did not intend to produce on record the copy of sale-deed dated

06.05.2009. In these circumstances, learned Appellate Authority rightly held that the application moved by the petitioner for permission to lead additional evidence, was liable to be dismissed.

Hence, no ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

March 17, 2015

m.singh