

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

CR No.408 of 2014 (O&M)
Date of decision : August 05, 2015

Dr. Hasandeep Singh Mann and others

..... Petitioners

Versus

Shri Harinder Jain and others

..... Respondents

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. R.S. Guron, Advocate
for the petitioners.

Mr. R.K. Dogra, Advocate
for the respondents.

GURMIT RAM, J.

1. This revision petition is preferred by the petitioners herein (landlords) against the order dated 19.11.2013 passed by the learned Rent Controller, Chandigarh vide which their application for tendering certified copies of the documents pertaining to the ejectment petition in question has been dismissed.

2. Brief facts which are found to be relevant for the adjudication of this revision are that the petitioners herein (landlords) have filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (in short “the Act”) for the eviction of the respondents herein (tenants)

from the premises of entire first floor of SCF No.184, Sector 7C, Chandigarh. During the pendency of the petition, when it was fixed at the stage of rebuttal evidence and arguments, the instant application was filed. Reply of the respondents herein (tenants) was taken. The learned Rent Controller, after hearing learned counsel for both the parties declined this application vide impugned order dated 19.11.2013.

3. Petitioners herein (landlords) feeling aggrieved from this order have come up with the instant revision petition before this Court, notice of which was given to the respondents herein (tenants).

4. I have heard learned counsel for both the parties and also perused the record as available on file. The documents which the present petitioners want to tender in their evidence vide the instant application are as under: -

i. *Copy of order passed by Sh.G.C. Garg, Appellate Authority,, Chandigarh in case titled as M/s Lakhmi Trader vs. Kushal Pal Singh.*

ii. *Copy of statement of Kushal Pal Singh in the Court of Sh. Mahesh Kumar, CJ(JD), Chandigarh in execution proceeding.*

iii. *Copy of order dated 16.09.2011 passed by the Court of Sh. Mahesh Kumar, CJ(JD) Chandigarh.*

iv. *Copy of statement of Sh. Vijay Kumar in the Court of Sh. S.K.Sharma, Rent Controller, Chandigarh in execution proceedings.*

v. *Copy of order passed by Sh. Ashish Saldi, Rent Controller in case titled as Sumeep Singh Mann vs. Mukesh Bindlish.*

5. Learned counsel for the petitioners has contended that the abovesaid documents which petitioners want to tender vide the instant

application are public documents as per the provision of Section 74 of Indian Evidence Act, 1872 and as such, no prejudice is likely to be caused to the tenants if the same are permitted to be brought on record of the concerned file. Moreover these documents are essential in order to adjudicate the matter in controversy properly. Whether these documents are relevant or not, it is not to be seen at this stage. Their evidentiary value is to be seen at the time of the disposal of the main case on merits. Herein learned counsel for the petitioners (landlords) has also cited an authority as delivered in ***Pyare Lal vs. Meher Singh and others, 2011(2) PLR 82.***

6. On the other hand learned counsel for the respondents has contended that the documents which the petitioners want to produce at this stage are not relevant at all. Then it is also his contention that the petitioners had already closed their evidence about two years back, when the instant application was filed. Then no reason has been assigned in the application as to why the documents which the petitioners want to tender at this stage could not be tendered earlier when they were leading their evidence in this case. Then it is also a fact that three documents out of the said five documents are copies of the orders passed by the Court and the remaining two are copies of statements of Kushal Pal Singh and Vijay Kumar recorded in the Court of Rent Controller, Chandigarh in execution proceedings. So, such like documents could not be either procured nor the same can be got prepared by way of fabrication. If this application has been filed at a later stage to tender the aforesaid documents that too without assigning any reason, then the tenants could be compensated by way of suitable cost. Moreover, the abovesaid documents are found to be essential for the delivery of the substantial justice in this case.

7. In the light of the above discussion, this revision petition stands accepted and impugned order is set aside. The petitioners herein (landlords) are permitted to place on the record documents as mentioned above, but subject to payment of cost of ₹10,000/- half of which is to be deposited in the concerned Legal Aid Fund and remaining half amount be paid to the tenants. If the respondents intend to produce any documentary evidence in rebuttal to the aforesaid documents, then reasonable opportunity be granted to them to do the needful.

8. Nothing said herein will have any impact on the merits of the case, which is stated to be pending before the learned Rent Controller, Chandigarh.

Both the parties are directed to appear before the concerned learned Rent Controller, Chandigarh on 20.08.2015 well within time.

August 05, 2015
Gaurav Sorot

(GURMIT RAM)
JUDGE