

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.7330 of 2015(O&M)
Date of decision: 04.11.2015

Kanti Parkash @ Kanti Parshad @ Kimti Lal

... Petitioner

Versus

Jiwan Modi

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ankur Ghai, Advocate for the petitioner.

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?

ARUN PALLI J. (Oral)

Vide order being assailed dated 17.10.2015, rendered by Rent Controller, Ludhiana, application moved by the tenant-petitioner to strike off the entire evidence tendered by the landlord-respondent in rebuttal being inadmissible in law, had since been dismissed. The conclusion arrived at by the Rent Controller in support of its decision reads as thus:

“8. Keeping in view the contents of the present application and its reply thereto as well as considering the principles of law as held in the judicial pronouncements above, it is clear that the said objections raised by the applicants can be decided at the time of final arguments of the case as mere exhibition of documents does not mean those are proved as per law. The objections regarding the exhibition of the said documents

shall remain open to be decided at the time of final arguments. Suffice it to say that the authorities relied upon by the Ld. Counsel for the applicants shall not be applicable to the facts in hand without disputing the settled provisions of law laid down therein. With these directions, the present application stands disposed of.”

Concededly, the documents Ex.PT1 to Ex.PT82 were tendered in rebuttal evidence in the presence of the counsel for the tenant-petitioner and no objection was raised at that stage. No provision could be pointed out to suggest that the documents that had once been exhibited on record could be discarded or de-exhibited. As even observed by the Rent Controller, just because those documents were exhibited would not be presumed to have been proved, as the issue as regards their admissibility shall be examined at the stage of final arguments.

That being so, no interference is warranted in exercise of revisional jurisdiction, under Article 227 of the Constitution of India. Petition being devoid of merit is accordingly dismissed.

November 4, 2015
Rajan

(Arun Palli)
Judge