

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

120

Civil Revision No.7703 of 2015

Date of Decision:20.11.2015

Baldev Singh

....petitioner

Versus

Jaspreet Kaur Gill

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

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

Present: Mr.Vaibhav Sehgal, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

Vide order being assailed, dated 30.10.2015, rendered by Rent Controller, Ludhiana, application moved by the petitioner-tenant, under Order 18 Rule 3-A CPC, seeking permission of the Court to examine himself as his own witness, at a later stage, had since been dismissed.

In brief, what the petitioner pleaded in support of his prayer was that he had earlier moved an application under Section 65 of the Indian Evidence Act, 1872, for allowing him to prove the agreement dated 06.03.1992 and 25.04.1985, by way of secondary evidence, which was dismissed by the Rent Controller, on 10.08.2015. But a civil revision against the said order was pending before this Court, post notice of motion, and, therefore, the other evidence of the petitioner could be recorded and he could examine

himself at a later stage, post decision of the revision petition, by this Court.

On a consideration of the matter in issue, the learned Rent Controller dismissed the said application and the conclusions arrived at read as thus”

“The applicant/respondent submitted that he filed revision petition against the order dated 10.08.2015. The counsel for the respondent/petitioner placed on record copies of notices issued by the Hon'ble Punjab and Haryana High Court in Civil Revision No.6391 of 2015. It is pertinent to mention that along with the said revision, no stay application is filed by the applicant/respondent before the Hon'ble Punjab and Haryana High Court. This court do not find any justification not to examine the respondent before examining the other witnesses. The respondent Baldev Singh can prove above said agreement as Mark and in case the revision filed by the applicant/respondent is decided by Hon'ble Punjab and Haryana High Court in his favour, then he can prove said agreements as per the order of Punjab and Haryana High Court. Moreover, the applicant/respondent want to prove the said agreements by way of leading secondary evidence so he can call marginal witnesses to prove the said agreements in case his revision is decided in his favour. So, keeping in view the above discussion the application in hand is dismissed and stands disposed off.”

The order under challenge, itself reveals that the case set out by the petitioner himself was; ***“that in view of above***

mentioned circumstances, the respondent may be allowed to appear and submits his affidavit at later stage till the decision of the revision petition filed by him or the alternative permission may kindly be granted to adduce evidence to the extent of document dated 06.03.1992 and 25.04.1985.” Once the petitioner himself submitted, in the alternative, that his evidence could be recorded and he could be permitted to prove the agreements in question, at a later stage, if the revision petition preferred by him was accepted by this Court, and the Rent Controller granted the liberty prayed for, it remains unexplained as to why the petitioner has still preferred this revision petition. Nothing could be indicated either as to how the petitioner has suffered any prejudice. Ex facie, the purpose was/is to delay and derail the proceedings.

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

20.11.2015

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(ARUN PALLI)
JUDGE