

CR-7611-2014

Date of decision: 17.07.2015

Sanatan Dharam Sabha

...Petitioner

Versus

Chanda Ram and another

...Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sham Lal Bhalla, Advocate
for the petitioner.

Mr. Vaibhav Sehgal, Advocate
for respondent No.2.

M.M.S. BEDI J.(Oral)

The petitioner has filed an application under Section 13 of the East Punjab Urban Rent Restriction Act against the tenant respondents. An application under Section 151 CPC read with Order 18 Rule 2 of CPC for grant of permission to lead additional evidence made by the petitioner to prove the copy of Bye-laws and Regulations has been dismissed on the ground that this would delay the matter.

Learned counsel for the respondent No.2 has submitted that witness of the landlord-petitioner PW2-Sunil Kumar Aggarwal in his cross examination has stated that the Bye-laws have not been produced on record.

I have considered the facts and circumstances of this case.

Counsel for the petitioner submits that as per the Bye-laws, the petitioner is authorized to file the petition and in order to

show the authority and sanction to file the petition, the Bye-laws/Regulations are required to be proved on record.

After considering the facts and circumstances of the case, I am of the opinion that the Bye-laws/rules and regulations of co-operative societies which are generally registered under the Society Registration Act are public documents. The said rules could have been permitted to be proved by producing evidence. No doubt, the petitioner had been casual in producing the evidence in time and responsible for delaying the proceedings, yet for that, costs can be imposed upon it to compensate the other side.

The petition is allowed and the impugned order dated 15.10.2014 is hereby set aside. Petitioner is permitted to prove the Bye-laws/rules and regulations of the society in accordance with law. It is made clear that in case the said rules are admitted by the tenant-respondents, these may be permitted to be produced on record but in case the same are required to be proved, the Rent controller shall ensure that the petitioner takes necessary steps to produce the evidence within a period not beyond the period of one month. The production of Bye-laws will be subject to their authenticity, relevance and admissibility to be determined by the Rent Controller at appropriate time.

(M.M.S. BEDI)
JUDGE

July 17, 2015
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