

CR No.8710 of 2014 (O&M)

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

**CR No.8710 of 2014 (O&M)
Date of decision:06.02.2015**

M/s. Goodlass Nerolac Paints Ltd. and another ...Petitioners

Versus

Michael Kuldeep Singh and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mrs. Kulwant Kaur, Advocate,
for the petitioners.

Mr. Ravinder Kumar Rana, Advocate, and
Mr. V.C.Kalia, Advocate, for the respondents.

Rakesh Kumar Jain, J. (Oral)

The tenants are in revision against the order of eviction passed by both the Courts below on the ground of *bona fide* personal necessity of the landlords.

Shorn of unnecessary details, the grievance raised by the petitioners is that the letters dated 08.11.1995 (Ex.DW2/2), 17.01.1996 (Ex.DW2/A) and detailed proposal dated 27.02.1996 (Ex.DW2/1) were not traceable on lower Court record for which an application was filed on 24.12.2012 in order to trace those documents for the purpose of preparing the case for arguments but the said application was not decided by the Appellate Authority and the case was rather remanded back to the Rent

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Controller to re-construct the file by taking on record photocopies of those documents.

Accordingly, the petitioners filed photocopies of the said exhibited documents but the eviction order has been passed by the Appellate Authority without their reference. The Appellate Authority also rejected the documents on the ground that those were not proved in accordance with the Indian Evidence Act, 1872.

Though learned counsel for the parties have argued their case but at the end, it is resolved that the eviction order passed by the Appellate Authority may be set aside and the matter may be remanded back to it to decide it afresh after considering the documents Ex.DW2/2, Ex.DW2/A and Ex.DW2/1.

Accordingly, the order passed by the Appellate Authority is hereby set aside and the case is remanded back to it to decide the appeal afresh within a period of two months from the date of appearance of the parties after taking into consideration the aforesaid three documents.

The parties are directed to appear before the Appellate Authority on 16.02.2015.

February 06, 2015
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(Rakesh Kumar Jain)
Judge