

CWP-7401-2015

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

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Date of Decision: 05.11.2015

Smt. Raj Rani

... Petitioner(s)

Versus

Deputy Commissioner, Jalandhar and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the 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 ?

Present: Mr. Harsh Bunker, Advocate,
for the petitioner.

Mr. S.S.Chandumajra, Addl. A. G. Haryana.

Mr. H.K.Aurora, Advocate,
for respondent No.3.

Paramjeet Singh, J.(Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for setting aside the order dated 17.08.2012 (Annexure P-3) passed by respondent No.2-Collector, Jalandhar whereby application filed by the petitioner seeking permission to produce documents has been dismissed and the order dated 27.08.2012 (Annexure P-3) whereby defence of the petitioner has been struck off and also the order dated 13.11.2014 (Annexure P-5) passed by respondent No.1-Deputy Commissioner, Jalandhar whereby appeal filed by the petitioner against the orders dated 17.08.2012 and 27.08.2012 has

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been dismissed.

In brief, facts of the case as averred in the petition are to the effect that respondent No.3-Municipal Corporation, Jalandhar filed eviction petition (Annexure P-1) against the petitioner under Sections 4, 5 and 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973. On 17.02.2012, the present petitioner appeared in the said petition through her counsel and case was adjourned to 22.03.2012 for filing reply. On 22.03.2012, case was adjourned to 16.04.2012 and then to 07.05.2012 for filing reply. On 07.05.2012, the petitioner filed application (Annexure P-2) seeking direction to respondent No.3-Municipal Corporation, Jalandhar to produce documents. However, the said application was treated as reply to the eviction petition and ultimately, the case was adjourned to 11.06.2012, 06.07.2012, 27.07.2012 and 17.08.2012 for filing replication. On 17.08.2012, the application filed by the petitioner seeking production of documents was taken up and without even seeking reply to the said application, the Collector, Jalandhar dismissed the said application. On 24.08.2012, the petitioner through her counsel filed application for adjournment which was taken on record and it was disclosed that the case has been adjourned to 27.08.2012. On 27.08.2012, when learned counsel for the petitioner came to the Court, he was informed that defence of the petitioner has been struck off on 24.08.2012. Feeling aggrieved, the petitioner preferred appeal against the orders dated 17.08.2012 (Annexure P-3) and 27.08.2012 (Annexure P-3) which has

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been dismissed vide impugned order dated 13.11.2014 (Annexure P-5).

Hence, this writ petition.

I have heard learned counsel for the parties and perused the record.

Admittedly, the documents sought to be produced by the petitioner herein through application (Annexure P-2) are in possession of respondent No.3-Municipal Corporation. It was beyond the control of the petitioner herein to produce the documents and, therefore, she moved application seeking direction to respondent No.3-Municipal Corporation to produce the documents. In the present case, this Court is of the considered opinion that ends of justice would be met and no prejudice is likely to be caused to respondent No.3-Municipal Corporation, if respondent No.3-Municipal Corporation is directed to file the documents sought to be produced by the petitioner and thereafter she will be given an opportunity to file written statement before respondent No.2-Collector, subject to costs.

In view of above, the impugned orders dated 17.08.2012 (Annexure P-3), 27.08.2012 (Annexure P-3) and 13.11.2014 (Annexure P-5) are set aside; application (Annexure P-2) is allowed and respondent No.3-Municipal Corporation is directed to file the documents, sought to be produced by the petitioner, before respondent No.2. Thereafter, one opportunity will be given to the petitioner herein to file written statement, subject to costs of ₹2,000/- to be paid to respondent No.3-Municipal Corporation, Jalandhar.

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Parties through their counsel are directed to appear before respondent No.2 on 07.12.2015, who will dispose of the matter within a period of six months, from the date fixed for appearance, by affording two opportunities to each of the parties to lead evidence. It is made clear that adjournment granted for leading evidence by each of the parties should not be longer than for a period of one month.

Disposed of.

05.11.2015

parveen kumar

(Paramjeet Singh)
Judge