

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

125

Civil Revision No.3390 of 2016 (O&M)

Date of Decision: July 12, 2016

Balwant Kumar

...Petitioner

Versus

Radhey Sham

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Narinder Sharma, Advocate
for the applicant-petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.10044-CII of 2016

Prayer in this application is for exemption from filing
certified/typed copies.

Application is allowed.

Exemption from filing the certified/typed copies is granted
subject to just exceptions.

CR No.3390 of 2016

Challenge in this revision petition is to the order dated
15.02.2016 passed by the Rent Controller, Patiala, whereby the application
of the petitioner-landlord for leading secondary evidence has been rejected.

It is the contention of learned counsel for the petitioner that the
petitioner was only required to establish that the original document is not
available with him and has been lost and in support of this contention, he
places reliance upon the judgment of this Court in *Ashok Kumar Sachdeva
Versus Harish Malik 2007(4) RCR (Civil) 311*. He, on this basis, contends
that the impugned order has not taken into consideration the true factual
position as the said document has been lost. This plea of learned counsel for

the petitioner cannot be accepted in the light of the order which has been passed by the Rent Controller dated 15.02.2016. The relevant portion of the said order reads as follows:-

“After hearing both the counsels, this court has perused the case file carefully. Perusal of present application shows that petitioner has falsely pleaded that he has brought the original rent note in the court when he tendered his affidavit as witness PW1. Had petitioner brought the original rent note in the learned Predecessor Court while tendering his affidavit Ex.PW1/A, the rent note would have been exhibited then only and it would not have been merely marked as mark-A. Moreover, perusal of statement of PW1 while tendering such affidavit shows that nothing has been mentioned there that the original rent note was brought by petitioner. Therefore, it has not been rightly pleaded by applicant-petitioner that he had brought the rent note in the court while tendering his affidavit Ex.PW1/A. Further, the non corroboration of the application by filing any affidavit alongwith application also shows that the pleadings in the application are not correct and petitioner has concocted the story by pleading that he has brought the original rent note in the court.

Further, if the bag of petitioner containing important documents such as identity card, rent note etc. was lost, then why petitioner has not got recorded any DDR before the concerned police station. Merely filing application before the concerned police station shall not be sufficient enough and producing copy of such application on file cannot be equated with the fact that the application was actually brought into the notice of concerned SHO of police station wherein the relevant DDR was recorded. It appears that entire story of proving the rent note by way of secondary evidence is concocted. It has not been even prima facie proved by applicant to the satisfaction of this court that any such alleged rent note ever existed and that it had ever been lost

from the possession of applicant-petitioner.”

Accordingly, application is devoid of any merit and is hereby declined.”

In view of the above, finding no merit in the present revision petition, the same stands dismissed.

In the light of the dismissal of the revision petition, the application for stay i.e. CM No.10045-CII of 2016, stands disposed of as infructuous.

July 12, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE