

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

Civil Revision No.5408 of 2016

Date of decision: August 29, 2016

Rajiv Nagpal

...Petitioner

Versus

Satya Wati

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ravish Bansal, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J.

Challenge in this revision petition is to the order dated 19.03.2016 (Annexure P-5) whereby the application moved by the petitioner-tenant, directing the respondent-landlady to produce the documents detailed in the application for the purpose of cross-examination of the witnesses after considering the reply which has been filed by the respondent-landlady, stands rejected and the order dated 30.05.2016 passed by the Rent Controller, Bathinda, whereby the application moved by the petitioner directing the respondent-landlady to produce the original documents for inspection for the purpose of remaining cross-examination, stands dismissed.

It is the contention of learned counsel for the petitioner that the documents, which were sought to be produced by the respondent-landlady and were required to be in her possession for the effective cross-examination of the witnesses, who had appeared for the respondent-landlady, were essential and therefore, direction, as prayed for production of the said documents, should have been issued to the respondent-landlady.

Special reference has been made with regard to the Will which is alleged to have been executed by Sh. Ram Gohar Chand, father-in-law of the respondent-landlady, on the basis of which she is claiming herself to be the owner of the property as also the sale deeds which have been executed by her husband. Similar is the position with regard to the other non-produced documents. He, therefore, prays that the impugned orders deserve to be set aside and direction issued to the respondent-landlady to produce the said documents.

I have considered the submissions made by the learned counsel for the petitioner and with his assistance have gone through the impugned orders and the pleadings, which have been brought on record.

From the impugned orders, it is apparent that the documents, which have been referred and sought by the petitioner to be directed to be produced by the respondent-landlady, have been dealt in detail, keeping in view the reply, which has been filed by the respondent-landlady. Apart from producing certain documents, the relevance and the reasons for not issuing such directions document wise, after due consideration, has led to their declining of the prayer for production. A perusal of the same would show that whatever documents were available with the respondent-landlady, have been brought on record. Certain documents had already been produced on record on an earlier application moved by the petitioner. The documents, which have not been produced on record, reasons have been assigned for not doing so by the respondent-landlady, one of which is with regard to the rent deed dated 01.06.2007, which has been responded to by stating that no such rent deed was ever executed. Since the execution of the said alleged

document itself has been specifically denied by the respondent-landlady, there could be no direction for production of the same. The documents, which are not in possession of the respondent-landlady, also could not have been directed to be produced by her. The reasons for non-production of the documents have been given by the respondent-landlady. Whichever documents have been denied to be not in her possession, the same could not have been rightly directed to be produced by the respondent-landlady. However, to protect the interest of the petitioner, the Court has restrained the respondent-landlady from relying upon the said documents or production thereof in her favour in future. The reasons as assigned by the Court below, are fully justified and after proper appreciation of the pleadings of the parties, which cannot be faulted with nor has any prejudice been caused to the petitioner. It may be added here that the application which has been moved by the petitioner, appears to be with an intention to delay the proceedings before the Rent Controller, Bathinda and, therefore, cannot be said to be *bona fide* moved by the petitioner. Learned Rent Controller, Bathinda, has taken due precaution to add in the order that nothing stated in the order shall affect the merits of the case.

The revision petition, being devoid of merit, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

August 29, 2016

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Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.