

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R No. 5634 of 2015 (O&M)

Date of decision : February 16, 2016

Lal Singh (dead) through L.Rs

..... Petitioner

v.

Dharam Pal,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sharad Mehra, Advocate
for the petitioner.

Mr. Kunal Vinayak, Advocate
for the respondent.

1. **Whether Reporters of Local Newspapers 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 ?**

Ajay Tewari, J (Oral)

This petition has been filed against the order dated 3.8.2015 dismissing the application for additional evidence. Admitted facts are that the petitioner had filed the petition for eviction of the respondent from the shop in dispute on the ground of personal necessity of his grand son. When the case was fixed for orders, the instant application was filed seeking to place on record the receipt of property tax of the entire building on the ground that it showed not only the amount of tax which was due from each unit of the building but also the existing tenants. The ground taken was that the receipt came into existence afterwards and, therefore, the petitioner-

landlord should be allowed to place on record the same. The same application having been dismissed, the instant petition has been filed.

Counsel for the petitioner has argued that this receipt/list would not have prejudiced the tenant-respondent in any manner because it contained only the names and would have belied the claim of the respondent that there were some other premises which were available to the petitioner.

Counsel for the respondent has argued that the respondent had already placed on record copies of previous house tax assessment register in which all the details were mentioned, and the document now sought to be proved was admittedly a self suffered document since neither the notice demanding house tax was placed on record nor objections filed thereto were placed on record. Moreover, even copy of the said document was not placed along with the application for evidence, and merely the receipt in which names of the persons were entered by the petitioner himself were sought to be placed on record. He has defended the order of the trial Court by arguing that the instant application at this stage is only to try and fill up some lacunae in the evidence.

In my opinion, the arguments of counsel for the respondent carry more weight. Firstly, the petitioner was obligated to place a copy of the document sought to be brought into evidence so that the other side was not taken by surprise and could check its veracity. Secondly, the document sought to be placed on record was admittedly a self suffered document and, therefore, cannot carry credibility, and thirdly, the application having been moved after the arguments were concluded also points to the fact that the

petitioner is now fighting a rearguard action. Consequently, finding no merit in this petition, the same is dismissed.

February 16, 2016
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(AJAY TEWARI)
JUDGE