

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 7460 of 2016

Date of Decision: 08.11.2016

Ashok Kumar

.....Petitioner

VERSUS

Piara Singh Grewal

.....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amandeep Singh Rai, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

Heard.

This is revision-petition against order dated 06.10.2016 whereby application filed by revision-petitioner for discarding affidavit of landlord-respondent-Piara Singh Grewal in rebuttal evidence, was dismissed.

Learned counsel for the revision-petitioner has argued that relationship of landlord and tenant between the parties is a fact in dispute. The landlord-respondent produced evidence to prove his plea and the revision-petitioner led evidence in rebuttal to prove that he is not a tenant under landlord-respondent. Landlord-respondent cannot be allowed to lead any evidence to rebut evidence produced by revision-petitioner as the onus was on him to prove relationship of landlord and tenant between the parties.

On perusal of impugned order, I find that the plea raised by revision-petitioner has been kept pending to be decided at the time of final arguments.

Without commenting on admissibility of statement of landlord-respondent-Piara Singh Grewal in rebuttal, this petition is disposed of with direction to the Rent Controller to first decide as to whether testimony of Piara Singh Grewal, which he has made in rebuttal can be read in evidence, before deciding the ejectment petition on merits. The revision-petitioner will be at liberty to raise all the pleas before the Rent Controller in this regard and to avail legal remedy available to him, if he feels aggrieved by order of Rent Controller.

November 08, 2016.
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***