

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

**Civil Revision No.7826 of 2016 (O&M)
Date of Decision:November 21, 2016.**

Pardeep Kumar

.....PETITIONER(s).

VERSUS

Bela Singh and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anil Chawla, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

This is revision petition against the order dated 12.10.2016 passed by the Rent Controller, whereby the landlord-respondent was allowed to lead additional evidence. The operative part of the order is reproduced as follows:-

“Now by way of filing the present application, the petitioners sought the permission to lead additional evidence with regard to production of passport as well as their identity proof of NRIS. Although the applicants have failed to produce on record the documents as directed by the court vide order dated 29.1.15. However, in the order dated 29.1.15 it has been clearly mentioned that the applicants can not produce such documents without prior permission of the court. Since the main case of the petitioners is with regard to seeking ejectment of the respondents qua getting immediate possession of the tenanted premises. As such, the documents as sought to

be produced on record at this stage, are vital documents in order to adjudicate the controversy properly and conclusively. The delay if any caused to the opposite party shall be duly compensated with terms of costs. Hence, the application stands allowed subject to costs of Rs.1000/-.”

2. Learned counsel for the revision petitioner has argued that the Rent Controller had earlier given opportunity to the landlords to produce the passport and identity proof in support of their contention that they are non-resident Indian. The respondents-landlords had not availed that opportunity. Thereafter, the evidence was concluded by the parties and final arguments have also been addressed. It was, at this stage, the application was moved seeking production of additional evidence. The Rent Controller has allowed the application not keeping in view the fact that it will result in retrial of the case. The order tends to help the respondents-landlords, who were careless and negligent and the additional evidence cannot be allowed once final arguments have been addressed on merits.

3. The respondents-landlords have sought ejectment of the revision petitioner from the demised premises on the plea that he is non-resident Indian and has invoked special provisions under Section 13-B of East Punjab Urban Rent Restriction Act, 1949. It is not disputed that the documents allowed to be produced are vital documents as production of these documents was even sought by the revision petitioner. The lapse on the part of landlords is evident as they did not produce these documents at the relevant stage and Court passed specific order that they will not be allowed to produce these documents at later stage, without permission.

prove these documents, which has been allowed. In these circumstances, no prejudice shall be caused to the revision petitioner as he will get the opportunity to rebut the additional evidence produced by the respondents-landlords. No doubt, delay is a factor which is always taken care while deciding an application seeking production of additional evidence but if the document is vital and relevant, the factum of delay cannot be the sole reason to debar a party from producing the same by way of additional evidence. To compensate the revision petitioner for delay, learned Rent Controller has burdened the respondents-landlords with costs while allowing this application.

4. On perusal of the impugned order passed by the Rent Controller, I find no legal or factual infirmity therein calling for any interference.

5. This revision petition has no merits.

Dismissed.

November 21, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE

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

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