

**C.M. NO.25369 CII OF 2016 &
CIVIL REVISION NO.8377 OF 2016**

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

**CIVIL REVISION NO.8377 OF 2016 (O&M)
DATE OF DECISION: FEBRUARY 15, 2017**

Satnam Singh

.....Petitioner

VERSUS

Gurvinder Pal Singh and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Namit Gautam, Advocate,
for the petitioner.

Mr. Aalok Jagga, Advocate,
for caveator-respondent No.1.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this revision petition is to the order dated 08.11.2016 passed by the Rent Controller, Ludhiana, whereby the application moved by the petitioner, who is a respondent in the rent petition, for de-exhibiting the documents, which had been enclosed alongwith the affidavit of respondent, Gurvinder Pal Singh (PW1) as Exs.P-1 to P-22 (except Ex.P-10), which have been objected to by the petitioner at the time of submission of said affidavit on 09.03.2016, but before deciding the same and fixing the matter for cross-examination, exhibiting the said documents, was dismissed vide the impugned order.

Notice of motion.

Mr.Aalok Jagga, Advocate, puts in appearance on behalf of

Caveator-respondent No.1.

Caveat stands discharged.

Learned counsel for the petitioner submits that the order dated 08.11.2016 passed by the Rent Controller, Ludhiana, is self contradictory as in the earlier part of the order it has been stated that the objection was raised with regard to the admission of documents attached alongwith affidavit qua its admissibility and the proof. However, in the later part of the order, it is mentioned that no objection was raised when these documents alongwith affidavit were being exhibited during the examination-in-chief of Sh.Gurvinder Pal Singh, respondent as PW1.

On the other hand, counsel for Caveator-respondent No.1, has supported the order by contending that merely because the documents have been exhibited, does not prove its contents and relevancy as to the admissibility of said documents. This can be ascertained at the final stage alongwith the order to be passed by the Court while deciding the rent petition, as has been observed by the Rent Controller in the order dated 08.11.2016. Submission has, thus, been made for dismissal of the revision petition.

Having considered the rival contentions raised by counsel for the parties, this Court is of the considered view that the issue involved in the present case stands settled by this Court in judgment dated 07.02.2017 passed in Civil Revision No.5770 of 2016 (Sandeep Ghai Vs. Harminder Singh and others).

The present revision is disposed of in the same terms as Sandeep Ghai's case (supra). As per the said judgment, the Rent Controller should have proceeded to pass appropriate order on the objection raised by

counsel for the petitioner with regard to the mode of proof and admissibility of the attached documents alongwith the affidavit tendered in evidence in examination-in-chief of Gurvinder Pal Singh, respondent No.1 (PW1) on 09.03.2016 prior to admitting the documents in evidence as exhibits, if already not decided. It may be added here that there is no provision for de-exhibiting the documents which have already been exhibited in evidence. However, mere exhibition of the said documents does not dispense with the proof of its execution, veracity and genuineness, which is to be tested.

A direction is, thus, issued to the Rent Controller to decide the objections as raised by counsel for the petitioner with regard to the admissibility of the documents prior to further proceeding with the case, if already not decided.

Copy of order passed by this Court in Sandeep Ghai's case (supra) be also sent to the Rent Controller, Ludhiana.

Since the main petition stands disposed of, no orders are required to be passed on C.M. No.25369 CII of 2016.

**February 15, 2017
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**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No