

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

CM-27663-CII-2017; and
CR No.8485 of 2017
Date of decision: 22.12.2017

M/s Ashoka Attachi House and others

... Petitioners

Versus

Roop Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Raj Kumar Gupta, Advocate for the petitioners.
Mr. Rajan Bansal, Advocate for the applicant-respondents.

ARUN PALLI, J. (Oral)

CM-27663-CII-2017

Notice.

Mr. Raj Kumar Gupta, Advocate accepts notice on behalf of the
non-applicant/petitioners.

For the reasons set out in the application, and with the consent
of the parties, the date fixed in the main case is preponed to today. And, the
matter is being disposed of finally.

CM stands disposed of.

CR No.8485 of 2017

The examination-in-chief of one of the petitioners/tenants i.e.
Ashok Kumar, was tendered in evidence by way of an affidavit. But, as the
contents of para 12 to 15 thereof were beyond the pleaded case of the
petitioners/tenants, an application/objections, dated 19.07.2017, was moved
by the respondent-landlords to strike out the said evidence from the record.

For, vide impugned order dated 03.11.2017, the said application was allowed by the Rent Controller, it was accordingly ordered that contents of para 12 to 15 of the affidavit shall not be read in evidence. Being aggrieved by the said order, tenants/petitioners had filed the present revision.

During the course of hearing, learned counsel for the parties have reached a consensus that let the order dated 03.11.2017 be set aside with liberty to the respondent-landlords to raise objections qua the contents set out in para 12 to 15 of the affidavit at the stage of final arguments or analysis of the matter. And appropriate orders, if any, shall be passed by the Rent Controller at that stage.

In conspectus of the above, the impugned order dated 03.11.2017 is set aside, for even otherwise the respondent-landlords have prayed to withdraw their application/objections dated 19.07.2017. And the petition is accordingly disposed of with an observation that respondent-landlord shall be at liberty to raise objections, if any, as regards the contents of para 12 to 15 of the affidavit of Ashok Kumar at the final stage of the proceedings. And in the event, any such objections are raised, the same shall be dealt with by the Rent Controller appropriately and in accordance with law.

22.12.2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:	YES
Whether Reportable:	NO