

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

CR No.5753 of 2012 (O&M)
Date of decision : 19.09.2018

Dharmender Rohilla

...Petitioner

Versus

Smt. Suman Rani and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Bhupinder Kaur, Advocate for
Dr. Surya Parkash, Advocate for the petitioner.

Mr. Ramesh Malik, Advocate for respondent Nos.1 and 2.

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner is in the revision petition against the order passed by the Rent Controller ordering his eviction, affirmed by the Appellate Authority.

Learned counsel for the petitioner at the outset pointed out that an application for permission to lead additional evidence dated 24.12.2012, has not been decided by the Appellate Authority.

Learned counsel for the respondents could not draw attention of the Court to any order passed by the Appellate Authority, deciding the application for additional evidence. In fact, if one looks at the order dated 21.08.2012, the Appellate Authority notices that the counsel for the appellant has placed on record the photograph in additional evidence and

closed his evidence, whereas if one reads the order dated 06.06.2012, the Appellate Authority has recorded that the arguments on the application for additional evidence and final arguments have to be heard on the next date fixed.

Orders dated 06.06.2012, as also dated 21.08.2012 passed by the Appellate Authority, are extracted as under:-

“ORDER DATED 06.06.2012:-

Arguments were partly heard but for the clarification of the matter, the counsel for the respondent is directed to produce the photographs of the spot including the five shops of the respondent so that the existing position can become clear as there is a dispute whether respondent has given one more shop on rent or two shops on rent. For this, to come upon 31.7.2012. Arguments on additional evidence and final arguments shall also be heard on the date fixed.

*Sd/- (Jagjit Singh)
ADJ, Rohtak
6.6.2012*

ORDER DATED 21.08.2012:-

Ld. counsel for the appellant placed on record photograph in additional evidence and closed the evidence. Final arguments heard. To come upon 24.8.2012 for orders.

*Sd/- (Jagjit Singh)
ADJ, Rohtak
21.8.2012”*

Keeping in view the fact that the application for additional evidence has not been decided, it is considered appropriate to remit the matter back to the Appellate Authority to re-decide the appeal after deciding the application for additional evidence.

Let this exercise be completed within a period of two months

from the date of appearance of the parties.

Parties through their counsels are directed to appear before the Appellate Authority on 01.10.2018.

In view of the above, the present revision petition is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

19.09.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No