

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

**Civil Revision No. 8052 of 2018
Date of Decision: November 28, 2018.**

Manoj Jain

.....PETITIONER(s).

VERSUS

Mahesh Kumar

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Akshay Rawal, Advocate for
Mr. M.S. Dalal, Advocate for the petitioner (s).

SURINDER GUPTA, J.(Oral)

Heard.

Respondent sought ejectment of petitioner on the ground of non payment of rent and personal *bonafide* necessity. In the petition, he took the plea that he had purchased the property in question from its previous owner on 28.3.1988. Thereafter the petition was got amended by moving application that the property in question was purchased vide sale deed dated 10.12.1986. The amendment was allowed and during evidence, the respondent tendered both the sale deeds as Ex.AW-1/B and AW-1/D. The site plan was tendered as Ex.AW1/C. The petitioner moved application for de-exhibiting these documents which was declined.

Learned counsel for the petitioner has argued that the sale deed dated 10.12.1986 find no mention in the original ejectment petition and was not produced on file as per requirement of Order 7 Rule 14(3) of CPC. It was produced on record without specific permission of the court as such could not be read in evidence. Learned Rent Controller instead of deciding the objection raised by the petitioner kept open to be decided at the final

Respondent by way of amendment had pleaded that he has purchased this shop in question vide sale deed dated 10.12.1986. At the time of recording of evidence, photocopy of the sale deed was produced and exhibited. The question for consideration is as to whether permitting to exhibit the document amounts to giving permission to produce the document or a specific separate application is required in this regard. Rent Controller has kept this fact open to be decided at the time of final arguments and any observations on this issue in this petition will adversely prejudice either of party as such I deem it proper not indulge in recording any finding qua the above proposition and leave it to be decided by learned Rent Controller at appropriate stage.

Learned counsel for the petitioner has relied upon the observations in the case ***Girdhari Lal vs. Ritesh Mahajan and another*** 2006 (1) PLR 344 wherein a Coordinate Bench of this Court has observed that the court is required to decide the objection before proceeding further. In that case, the question was of admissibility of document. In this case document i.e. copy of sale deed could be tendered by the landlord-petitioner to prove that he has purchased the same. There is no dispute regarding ownership of demised premises which is required to be decided by the Rent Controller and the copy of the sale deed has been produced only for the purpose of reference.

Perusal of the impugned order shows that the Rent Controller was not convinced with the submissions of learned counsel for petitioner but still kept the matter open to be decided at the time of final stage just to provide further opportunity to the tenant-revision petitioner to cite law on the point. The impugned order suffers from no legal or factual infirmity

calling for interference in this petition.

This petition petition has no merits, hence dismissed.

November 28, 2018.
deepak

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>