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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 581/2016 and CM 22204/2016

TEK BAHADUR SANAN Petitioner
Through: Mr. Sanjay Agnihotri, Advocate

versus

PRAMOD KUMAR & ANR Respondents
Through: None

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **15.03.2018**

The petitioner claims to be the landlord qua the respondent in respect of the premises respecting which he seeks an order of eviction on the ground of bonafide need under Section 14(1)(e) of Delhi Rent Control Act, 1958 by the petition (E-255/14/11) instituted on 27.01.2011. After the grant of leave to contest in favour of the respondents the case had reached the stage of trial wherein the petitioner was expected to lead evidence first, the burden being on him to prove his contentions. At that stage, before commencement of the evidence, he moved an application under Section 151 of the Code of Civil Procedure, 1908 (CPC) seeking to place on record certain documents, they being in the nature of legal notice dated 06.11.2008, certain rent receipts, notices and orders of revenue authorities. The application was contested by the respondent on the ground the

relevancy of such documents had not been disclosed. The Additional Rent Controller by his order dated 01.03.2016 dismissed the said prayer observing that the application was silent as to the relevancy of such documents adding that further documents on the basis of objections taken by the respondents in defence were not expected to be filed.

The respondents have failed to appear despite having been served at the hearing of the petition at hand.

In the considered view of this Court, the observation that the petitioner was not supposed to file further documents only because certain objections had been taken by the opposite party in defence was wholly uncalled for. It would be a burden of the petitioner to adduce evidence to also show that such defences were not correct. Given the nature of the dispute brought before the court of the Additional Rent Controller, there is no doubt that the documents are relevant.

Thus, the petition is allowed. The impugned order is set aside. The prayer for bringing on record the additional documents in terms of the aforementioned application is allowed subject to costs of Rs.5,000/- to be deposited with District Legal Service Authority within two weeks.

R.K.GAUBA, J

MARCH 15, 2018

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