

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CR-258-2019 (O&M)

Date of Decision: May 14, 2019

Anil Kumar

petitioner

Versus

Rajesh Kumar Ahluwalia and anr.

Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Sanjiv Kumar Aggarwal, Advocate
for the petitioner.

Mr. Deepak Sharma, Advocate
for the respondents.

JAISHREE THAKUR, J. (Oral)

The instant revision petition has been filed for setting aside the impugned order dated 04.01.2019 passed by Rent Controller, Ambala, whereby an application for additional evidence filed by the petitioner has been dismissed.

In brief, the facts are that an eviction petition was filed by the respondent herein seeking eviction of the respondent from shop No. 1132-1133, Block-IV, Railway Road, Ambala on the ground of non-payment of rent, personal necessity etc. The petition was filed as far back as on 27.09.2010. During the pendency of the proceedings, the petitioner herein had sought permission to place on record the site plan, which application was dismissed. Aggrieved the petitioner herein filed petition i.e. **CR-249-2018** and notice was issued. At the very outset, the respondent landlord did

not object to the production of the site plan and on that basis, the revision petition was disposed of on 29.01.2018 with a direction to the Rent Controller to dispose and expedite the rent petition within a period of two months from the date of receipt of copy of the order. It is subsequent thereto that another application came to be filed by the petitioner herein seeking to produce on record a certified copy of the judgment dated 03.07.2018 passed by the Rent Controller in ejectment petition No.13-Rent of 2010 titled *Rajesh Kumar Ahluwalia vs. Achhru Ram and Others* by way of additional evidence.

Learned counsel for the applicant-petitioner herein contended that the Rent Controller had dismissed eviction petition of the landlord pertaining to an adjoining building and therefore, it would be necessary to produce the said judgment on the record for true adjudication of the case. The application for additional evidence was contested by filing a reply and the application was dismissed by the impugned order dated 04.01.2019. The Rent Controller came to hold that the additional evidence which has been sought to be produced on the record has no connection with the present ejectment petition as the premises in question as well as the premises in ejectment petition are not the same.

Aggrieved against the said order, the instant revision petition has been filed.

Notice of motion has been issued and an appearance has been caused on behalf of the respondents who opposes the said application on the ground that each ejectment petition has to be decided on its own merits and in any case no benefit can accrue to the petitioner of any observation that

has been passed by the Rent Controller in eviction petition that was decided by the Rent Controller i.e. judgment that is sought to be relied upon.

I have heard learned counsel for the parties and found that there is no merit in the argument as raised by learned counsel for the petitioner. The perusal of the application filed seeking to produce additional evidence was filed and on 03.12.2018 is when the matter was listed for arguments. The judgment in the eviction petition of an adjacent building had been dismissed by the Rent Controller vide order dated 30.07.2018 and the present application had been filed after an inordinate delay of almost 4 and a half months. The plea that the petitioner was not aware of the said order is not acceptable considering the ejectment had been ordered and petition had been dismissed of an adjacent building.

The High Court by an order dated 29.01.2018 had already directed the Rent Controller to conclude the matter within a period of two months. This Court is of the opinion that any judgment that has been sought to be relied upon would have no bearing on the instant petition, which has been decided on its own merits and on the evidence that has been led between the parties pertaining to personal necessity and arrears of rent.

Dismissed.

May 14, 2019
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No