

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

CR No.5321 of 2017(O&M)

Date of decision: 13.3.2019

Subhash Chander Madhok

.....Petitioner

VERSUS

Satpal and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Rajan Bansal, Advocate for the petitioner.

Mr. J.K. Singla, Advocate for respondents No.1 and 2.

REKHA MITTAL, J. (Oral)

The present petition has been directed against order dated 13.07.2017 (Annexure P-4) passed by the Rent Controller, Bathinda whereby application under Order 11 Rules 12 to 15 read with Section 151 CPC filed by respondents No.1 and 2 has been allowed and the petitioner has been directed to supply the documents.

Counsel for the petitioner/landlord would submit that the application for production of documents was filed by respondents No.1 and 2 with an intent to prolong the proceedings for eviction filed by the petitioner. It is further submitted that the documents of which the production was sought by respondents have no relevance for deciding the controversy involved in the eviction proceedings. In addition, it is argued that the Rent Controller has not assigned any reason for allowing prayer of the respondents and has accepted their plea on mere asking.

Counsel representing the contesting respondents has refuted contention of the petitioner that all the documents sought to be produced are not relevant for deciding the controversy.

A bare perusal of the impugned order makes it evident that it is altogether bereft of process of reasoning and absolutely non-speaking. There cannot be dispute that reasons are the soul of a judicial order, amenable to scrutiny by the higher Court. The Rent Controller concerned is directed to be careful in future so that the litigants are saved from unnecessary inconvenience at the cost of wastage of time, energy and resources. As such, the impugned order cannot be allowed to sustain and accordingly set aside.

For the foregoing reasons, the petition is allowed; the impugned order is set aside with a direction to the Rent Controller to decide the application afresh, in accordance with law within a period of one month from the date of receipt of certified copy of the order. Nothing stated hereinbefore shall be construed as an expression of opinion on merits of the application.

MARCH 13, 2019

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no