

In the High Court of Punjab and Haryana at Chandigarh

CR No. 6586 of 2018(O&M)

Date of Decision:25.3.2019

Raman Kumar

---Petitioner

vs.

Ravinder Mahendru and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Amit Jain, Advocate
for the petitioner

Rekha Mittal, J.

CM No. 27164-CII of 2018

Heard.

Allowed as prayed for. Annexures P/1 and P/2 are taken on record, subject to just exceptions.

Disposed of accordingly.

CR No. 6568 of 2018

Challenge in the present petition has been directed against order dated 21.8.2018 passed by the Rent Controller, Amritsar whereby application under Section 151 of the Code of Civil Procedure (in short “the Code”) filed by the petitioner (respondent No. 4 therein) for producing documents, detailed in the schedule of properties, was dismissed.

Counsel for the petitioner would argue that Ravinder Mahendru

respondent No. 1 has filed an application under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (in short “the Act”) seeking eviction of respondents No. 1 to 3 therein on the grounds of non-payment of arrears of rent, sub letting in favour of respondent No. 4 (petitioner herein) and premises required for personal use and occupation of two sons of the respondent.

The petitioner filed the written statement and controverted the allegations with regard to his being sub-tenant in the demised premises. On the contrary, he has raised the plea that property actually carry khasra No. 5346/4627 and the same was purchased vide sale deeds dated 5.12.2003, 7.10.2009 and 19.7.2010. It is further argued that petitioner filed the instant application for permission to adduce additional evidence in respect of sale deeds, detailed in schedule of properties of respondent No. 4, his family members and his concern but the same has wrongly been dismissed by the Rent Controller. It is further argued that a serious prejudice shall be caused to the petitioner in case the impugned order is not set aside and the petitioner is not permitted to produce the documents, certified copies of sale deed. Another submission made by counsel is that while disposing of the application, the Rent controller has made certain observations and the same may cause prejudice to the petitioner at the time of final disposal of eviction proceedings.

Counsel for the petitioner, in response to a query, would fairly inform that three sale deeds that find reference in para 2 of the written statement are already a part of records and were marked as exhibits in the statement of petitioner Raman Kumar. Perusal of the application filed under

Section 151 of the Code would reveal that there is not even a whisper with regard to relevance of the documents in question for the purpose of complete and effective adjudication of the matter in controversy. As has been rightly held by the Rent Controller, Rent Controller is a Fora of limited jurisdiction and cannot decide the disputed question of title of a property that falls within the ambit and purview of civil court. In this view of the matter, I do not find an error much less illegality in the impugned order rejecting plea of the petitioner for producing on record series of sale deeds, detailed in schedule of properties pertaining to the petitioner, his family and concern etc. However, while disposing of an interlocutory application, the trial court should refrain from making observations touching merits of the case. That being so, any observations made by the Rent Controller which may cause prejudice to the petitioner at the time of final disposal of eviction proceedings would not be construed to his disadvantage at an appropriate stage of the proceedings.

In view of what has been discussed hereinbefore, finding no merit, the petition is disposed of with the observations aforesaid.

(Rekha Mittal)
Judge

25.3.2019
paramjit

Whether speaking/reasoned: Yes
Whether reportable : Yes/No