

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

CR No.1369 of 2019 (O&M)  
Date of Decision: February 27, 2019

Bables and others

...Petitioners

Versus

Surinder Pal Kaur and another

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Rajeev Gupta, Advocate  
for the petitioners.

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**JAISHREE THAKUR, J. (Oral)**

1. This is a civil revision under Article 227 of the Constitution of India against the order dated 07.02.2019 passed by the Rent Controller, Mohali.
2. Learned counsel for the petitioners-tenants herein states that an amended petition came to be filed under Section 13 of the East Punjab Urban Rent Restriction Act by the respondents-landlords seeking eviction of the petitioners herein from the area as mentioned in the head note of the petition. It is contended that while filing the amended petition, there is only a reference to two documents namely the transfer letter in the name of the respondents-landlords and the rent note, which would reflect the rate of rent payable by the petitioners-tenants herein. However, when the evidence was tendered in court by way of affidavit, the documents as relied upon and

exhibited, were not made available to the counsel for the petitioners-tenants. It is submitted that an application came to be filed seeking direction to supply the copy of Ex.P1, Ex.PW3/1 and Ex.PW3/2, which application came to be rejected by the impugned order on the ground that these documents were already available on the file, while further stating that photocopies of the documents had already been supplied to the petitioners-tenants herein at the time of filing of the written statement. It was noted in the order that the application being without merit was dismissed, while further stating that the witnesses present could not be examined due to non-availability of the counsel for the petitioners-tenants herein and costs were imposed. Learned counsel for the petitioners-tenants impugns the said order on the ground that when the amended petition was filed only two documents were attached whereas, the third document exhibited, was not made available to him and he is also aggrieved against imposition of costs of ₹ 500/-.

3. At this stage, Mr. A.K. Maleri, Advocate who is counsel appearing for the respondents-landlords in the proceedings pending before the Rent Controller, SAS Nagar, puts in an appearance on their behalf in this civil revision. He has handed over a copy of the documents, as sought by counsel for the petitioners-tenants.

4. Since learned counsel for the respondents-landlords has supplied all the three documents to the counsel for the petitioners-tenants, as exhibited before the Rent Controller, the grievance of the petitioners herein stands addressed. As far as grievance of the petitioners-tenants regarding imposition of ₹ 500/- as costs is concerned, it seems to be genuine. The

affidavits were tendered on 29.01.2019 and the matter was posted for 07.02.2019, on which date an application for supply of documents was also filed. Costs were imposed on that adjourned date itself, despite a request having been made for adjournment of the case. In view of the fact that a request for adjournment was made and it was the first date after the affidavits had been filed, without supplying the third document exhibited, it cannot be said that there was an intentional delay on the part of the petitioners-tenants herein.

5. As such, the impugned order of the Rent Controller is hereby set aside and the civil revision stands allowed accordingly. The parties through their counsel are directed to appear before the Rent Controller on the date so fixed before the Rent Controller for cross-examination of the witnesses.

**February 27, 2019**  
*vijay saini*

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No