

Civil Revision No. 3412 of 2019 (O&M)

Date of decision : May 23, 2019

Kamal Thapar

.....Petitioner

Versus

Dharmender Mehra and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Ms. Puja Chopra, Advocate
for the petitioner.

LISA GILL, J.

The petitioner is aggrieved of order dated 27.03.2019 passed by the learned Rent Controller, Ludhiana whereby the petitioner's (tenant) application for 'de-exhibiting' some of the documents tendered by the petitioner has been dismissed.

Learned counsel for the petitioner argues that issues in the petition were framed on 01.03.2014. Respondent No. 1 started leading his evidence on 16.04.2014 which was closed on 17.04.2018. Some documents were tendered by respondent No. 1 on 17.04.2018 itself, but behind the petitioner's back. An application was moved for de-exhibition of the said documents, which was opposed. It is submitted that the petitioner was not even afforded an opportunity to raise an objection qua the tendering of these documents. No issue was framed. Therefore, no evidence in this regard was also led by the petitioner. It is, thus, prayed that this petition be allowed.

Heard learned counsel for the petitioner and have gone through the file.

The documents tendered by the respondent – landlord, it is informed, are certified copies issued by the Judicial Branch in regard to the

litigation pending between the petitioner and the respondent as well as certain other parties. Said litigation pertaining to another shop, learned counsel informs, stands decided. Evidence of the present petitioner was closed on 29.03.2019.

Having heard learned counsel for the petitioner, I do not find any ground to interfere in the impugned order for the reason that it is a settled position that mere tendering of a document is not an automatic reflection on the admissibility of the same. Needless to say the admissibility and evidentiary value of the documents is to be determined and considered by the learned Rent Controller at the relevant time, which this Court is sanguine, shall be done by the learned Rent Controller at the appropriate stage.

Present petition is, accordingly, dismissed.

May 23, 2019
rts

(Lisa Gill)
Judge

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