

Civil Revision No. 3746 of 2019 (O&M)

Date of decision : May 31, 2019

Sham Lal

.....Petitioner

Versus

Sehdev Arya

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Ajay Jain, Advocate
for the petitioner.

LISA GILL, J.

The petitioner is aggrieved of order dated 22.05.2019 passed by the learned Rent Controller, Hisar whereby an application filed by the respondent – landlord for production of certified copies of statement of the present petitioner (tenant) recorded in an earlier eviction petition besides a certified copy of the site plan, which was produced in the earlier eviction petition by the landlord, was allowed.

Learned Rent Controller while allowing the application has observed that the controversy in the instant matter also involves the existence or otherwise of a guest house. The present petitioner had denied the existence of the guest house in the present proceedings. The respondent – landlord in his application stated that while preparing the arguments of the case, he came across an old file pertaining to an earlier eviction petition in which the present petitioner had admitted the existence of the guest house. The said site plan produced by the learned Rent Controller had also been admitted by the present petitioner in the cross examination. Therefore, an application was moved at the stage of rebuttal evidence.

Learned counsel for the petitioner has vehemently argued that evidence of the landlord was closed on 18.10.2018. Evidence of the present

petitioner was closed on 28.01.2019 and the matter was listed for rebuttal evidence and arguments. As many as fifteen (15) effective opportunities were taken by the respondent – landlord and at this stage, the present application was filed by the landlord, only in order to fill up the lacuna in his case. It is further submitted that reliance by the learned Rent Controller on the judgments of this Court in **Labh Kaur versus Ram Asra 1999 (4) RCR (Civil) 527** and **Rameshwar and others versus Om Parkash and others 2015 (3) RCR (Civil) 220** is misplaced. He further relies upon the judgment of this Court in **Ganesh Mal Nanak Chand versus Lakhwinder Singh and others 2010 (66) RCR (Civil) 736** to submit that the parties cannot be permitted to fill up lacuna at this stage.

I have heard learned counsel for the petitioner and have gone through the file as well as judgements relied upon by him. However, I do not find any merit in the arguments raised by learned counsel for the petitioner. It is borne out from the record that the present petitioner i.e. the tenant has denied the existence of the guest house. It is found that the said documents are required for proper and wholesome adjudication of the matter. It cannot be said that allowing of the application of the respondent amounts to permitting the respondent to fill up the lacuna in his case. The respondent landlord has at all times claimed the existence of the guest house. The present petitioner in these proceedings has denied the same, therefore, the said documents do make for the proper adjudication of the lis between the parties. In the given circumstances, I do not find any infirmity or illegality in the impugned order dated 22.05.2019 passed by the learned Rent Controller, Hisar, which calls for interference in exercise of revisional jurisdiction by this Court.

Present petition is, accordingly, dismissed.

Needless to say the veracity and admissibility of the said evidence shall be determined by the learned Rent Controller in accordance with law.

It is clarified that none of the observations in this order are a reflection on the merits of the case and are confined for the purpose of decision of the revision petition.

May 31, 2019
rts

(Lisa Gill)
Judge

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