

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

Civil Revision No.60 of 2019 (O&M)

Date of Decision: January 14, 2019.

Tajinderpal Singh

.....PETITIONER(s).

VERSUS

Bhagat Singh

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.P. Kaushal, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

The objections raised by revision petitioner regarding admissibility of documents Ex.P2 and Ex.P3 (rent note) were declined by the Rent Controller.

Learned counsel for the petitioner has argued that before filing the written statement, the petitioner moved application for production of rent note but the same was not produced. Learned Rent Controller disposed of the application with the observation that both the parties can not produce these documents during trial without prior permission of the Court and that adverse inference would be drawn against the party in possession of aforesaid documents but intentionally avoiding to disclose it. Respondent-landlord produced these documents without permission of the Rent

Controller and this fact has not been looked into by learned Rent Controller while discarding the objections raised by the petitioner-tenant.

Learned Rent Controller while discarding the objections raised by the petitioner-tenant regarding the production of rent note Ex.P2 and Ex.P3, has observed as follows:-

“As per order dated 20.08.2016, applications filed by respondent wherein he sought direction to the petitioner to produce any rent note, if executed between the petitioner and respondent but as both the parties were not sure about execution of any such rent note between the parties, therefore, applications were disposed of with direction that adverse inference would be drawn against the parties (sic party) in whose possession the aforesaid documents appears to be and intentionally does not disclose about their possession and existence. Thereafter, after filing of reply by the respondent to the main petition, the petitioner filed rejoinder/replication wherein he produced rent agreements in question and stated that same have been traced out, thus, whether these documents were not intentionally disclosed or produced by the petitioner at the time of passing order dated 20.08.2016 can only be considered after completion of evidence and at the time of final arguments and at this stage, no case is made out for taking adverse inference against the petitioner.”

Both the documents i.e. rent note Ex.P2 and P3 were produced and exhibited by the Rent Controller and the objections taken by the petitioner-tenant were declined which amounts to permission of the Court to produce these documents. So far as the drawing of adverse inference regarding not producing these documents when the application was filed by

the petitioner-tenant is concerned, learned Rent Controller has kept the matter pending to be seen at the time of final arguments. Even otherwise, at this stage of recording evidence, no order qua this fact can be passed.

In view of the above discussion, I find no force in the submission of learned counsel for the petitioner.

No other point has been argued.

This petition has no merits. Dismissed.

January 14, 2019.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***