

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

**Civil Revision No.8448 of 2018 (O&M)
Date of Decision:January 24, 2019.**

Jhilmal Ram @ Jhilman Ram

.....PETITIONER(s).

VERSUS

Balwant Kumar

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S. Chauhan, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

CM-1789-CII-2019

This is application for placing on record statement of account
of respondent Annexure P-8.

The same is taken on record subject to all just exceptions.

Application stands disposed of accordingly.

CR-8448-2018

This is revision petition against the order dated 01.12.2018
passed by learned Rent Controller, Mukerian, whereby application filed by
respondent-landlord seeking permission to produce/tender limit/statement of
account issued by Punjab and Sind Bank, Talwara, was allowed.

Respondent-landlord filed petition under Section 13 of East
Punjab Urban Rent Restriction Act, 1949 pleading the need of the demised
premises for bona fide use and occupation of his son Sanjeev Kumar.

During the pendency of the petition, Sanjeev Kumar died and respondent amended the petition to substitute the need of wife of Sanjeev Kumar for the demised premises.

The respondent-landlord pleaded that he could not produce the statement of account after allowing of his application vide order dated 03.05.2018 to substitute the need of the demised premises for the wife of his son Sanjeev Kumar as the evidence of petitioner-tenant was in progress. The respondent-landlord was not afforded any opportunity to produce any evidence after the amendment.

Learned Rent Controller while allowing the application has observed that production of statement of account issued by Punjab and Sind Bank, Talwara will help in proper adjudication of the case, as such, allowed the respondent-landlord to produce the copy of statement of account.

Learned counsel for the revision petitioner-tenant has argued that the evidence of the respondent-landlord was earlier closed and thereafter petitioner-tenant also concluded his evidence. At the stage of rebuttal evidence and arguments, learned Rent Controller could not allow the respondent-landlord to fill up the lacuna. The Rent Controller has virtually reviewed his order closing the evidence of respondent-landlord while allowing permission to lead additional evidence.

On giving a careful thought to the submission of learned counsel for the petitioner, I find no merits therein. It is not disputed that after the substitution of need of his daughter-in-law for the demised premises, respondent-landlord was not afforded any opportunity to produce evidence. Learned Rent Controller has found the evidence relevant and

material to decide the case on merits. This does not amount to reviewing any order passed by the Rent Controller. Evidence was earlier closed by the respondent-landlord himself. If a party to the petition closes its evidence, it does not debar it to produce additional evidence and the application seeking production of additional evidence, if allowed does not tantamount to review the order of the Court, whereby the party was allowed to close its evidence.

On perusal of the order of learned Rent Controller, I find no legal or factual infirmity therein calling for any interference.

This revision petition has no merits.

Dismissed.

The petitioner has placed on record copies of judgments as Annexures P-6 and P-7, which are not related to the parties to the petition or controversy involved, in any manner, as such, these judgments (Annexures P-6 and P-7) be detached from the record of this case and returned to the counsel for the petitioner.

January 24, 2019.
Sachin M.

(SURINDER GUPTA)
JUDGE

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

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