

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

CR-60-2020 (O&M)

Date of decision : 09.01.2020

Sukhdev Singh

...Petitioner

Versus

Mulkh Raj

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Japjit Singh Johal, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Tenant-petitioner is in the revision petition against the order passed by the Appellate Authority dismissing an application for permission to lead additional evidence.

Tenant-petitioner had filed an application under Order 41 Rule 27 CPC for permission to summon the record alongwith Junior Engineer, Office of Chief Executive Officer, Cantonment Board, Ferozepur with respect to property Nos.60-61.

Learned Appellate Authority, on appreciation of the facts, has noticed that the additional evidence sought to be now produced was already in existence and in the knowledge of the tenant. No reason has been mentioned in the application as to why it was not produced at the time when the proceedings were pending before the Rent Controller.

Learned counsel for the petitioner has submitted that the

application for additional evidence ought to have been decided by the Appellate Authority with the main case. He further submits that application should be allowed, in the interest of justice.

This Court has considered the submissions. However, finds no substance therein.

It depends upon the facts and circumstances of each case as to whether the application for additional evidence is required to be considered with the main case or independently. As a universal rule, it cannot be held that application for additional evidence cannot be considered during the pendency of the appeal.

As noticed above, additional evidence sought to be produced was already in existence and the Rent Controller has also observed that the application has been filed just to prolong the pendency of the appeal particularly when the eviction against the tenant has already been ordered by the Rent Controller.

In view thereof, there is no ground to interfere.

Accordingly, the present revision petition is dismissed.

09.01.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No