

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

**CR-2125-2021 (O&M)
Date of Decision:25.10.2021**

Surjeet Kaur since deceased through Lrs. and others **....Petitioners**

VS

Bhupinder Kumar and another **....Respondents**

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Shivya Sehgal, Advocate
 for the petitioners

Mr. Vishal Aggarwal, Advocate
for caveator/respondent No.1

SUDHIR MITTAL, J. (Oral)

The tenants have filed this revision petition challenging order dated 02.09.2021 (Annexure P-6) passed by the Rent Controller, Ludhiana whereby he has rejected the application filed by them for leading additional evidence.

Learned counsel for the petitioners has submitted that the petitioners acquired knowledge of property No.216, Kareempura Bazaar, Ludhiana which is very close to the demised premises and that the same was in possession of the landlord only after affidavit (Annexure P-2) was filed in rebuttal evidence. The said affidavit also states that the property is a residential property and is in occupation of tenant namely Chaman Lal. Thus, the necessity has arisen to produce the Death Certificate of Chaman Lal to show that the affidavit is false and also to examine the son of Chaman Lal to show that said property was a commercial property.

A perusal of the impugned order shows that the petitioners had filed an application for amendment of their reply before commencing their evidence. In the said application, the property bearing No.216, Kareempura Bazaar, Ludhiana was sought to be included in the written statement but the application was rejected.

Accordingly, the Rent Controller has rightly held that the petitioners-tenants were aware of the property for more than three years and, thus, they should have lead evidence to show the nature of the said property. Having not done so, they cannot be permitted to do so at this belated stage.

I am in agreement with the aforementioned finding so far as it pertains to the nature of property. However, since the rebuttal affidavit states that the said property is in possession of Chaman Lal, who has allegedly died, I deem it appropriate to partially allow this petition and permit the tenants-petitioners to place on record a certified copy of the Death Certificate. Being a public document, the same is admissible in evidence per se. The revision petition is accordingly disposed of.

(SUDHIR MITTAL)
JUDGE

25.10.2021
Poonam Negi

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No