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

CR-1468-2022 (O&M)

Date of decision: 05.08.2022

**The Kamal Scientific & Sports Productions Co-operative Industrial
Society Ltd. and another**

... Petitioners

Vs.

Kusum Lata

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Aggarwal, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this revision petition is for setting aside the order dated 08.04.2022 passed by the Rent Controller, Ambala, vide which an application filed by the petitioners-tenant for leading additional evidence i.e. to exhibit statement of Sat Narain, who is power of attorney of respondent-landlord Kusum Lata and has appeared as PW1 in connected eviction petition bearing RP No.2493 of 2014, was declined.

Learned counsel for the petitioners submits that evidence of the petitioners-defendants was closed on 06.02.2022 and thereafter, in connection eviction petition bearing RP No.2493 of 2014, on 13.02.2022, power of attorney of respondent-landlord Kusum Lata appeared as PW1 and in cross-examination, he admitted that respondent-landlord Kusum Lata has already sold one shop 10 years ago, however, after coming into force of Haryana

Urban (Control of Rent & Eviction) Act. It is argued that since the said admission has a direct bearing on merits of the case and even in the said eviction petition, where PW1 Sat Narain has appeared, is a litigation between the same parties regarding adjoining shop, therefore, no prejudice will be caused to the respondent, as the petitioners only want to place on record the said statement on record.

After hearing learned counsel for the petitioners, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case.

Accordingly, this petition is allowed and the impugned order dated 08.04.2022 is set aside. The petitioners-defendants are permitted to exhibit statement of PW1 Sat Narain, which was recorded in connected eviction petition bearing RP No.2493 of 2014, regarding the abutting shop and the present litigation is between the same landlord and same tenant, however, subject to payment of costs of Rs.5,000/- to the respondent-landlord.

Liberty is granted to the respondent-landlord to revive this petition, if so advised.

[ARVIND SINGH SANGWAN]
JUDGE

05.08.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No