

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

**CR-3579-2022 (O&M)
Date of decision : 22.09.2022**

Super Vehicles Fabric & Ors.

... Petitioner(s)

Versus

Asha Rampal

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Kapil Sharma, Advocate for the petitioners.

Mr. Rajesh Khurana, Advocate and
Mr. Sachit Khurana, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

The present revision petition under Article 227 of the Constitution of India has been filed against the order dated 22.07.2022 (Annexure P-2) challenging the dismissal of three separate applications.

On 01.09.2022 the following order was passed :

“The present revision petition under Article 227 of the Constitution of India has been filed against the order dated 22.07.2022 (Annexure P-2) challenging the dismissal of three separate applications; one is for adducing additional evidence; second for recalling the file of the case titled Ankur Rampal Vs. M/s Super Vehicles which was ordered to be heard along with the present rent petition vide order dated 05.10.2016; and third for directing the landlord-respondent herein to furnish a bank guarantee with regard to the rent tendered by the petitioners herein in the present rent petition.

Challenge to the impugned order qua the application filed by the petitioners herein for directions to the landlord-respondent to furnish a bank guarantee with regard to the rent tendered, the same deserves to be rejected on the ground that the rent had been assessed by the Rent Controller vide order dated 09.07.2014 which was paid by the petitioners herein and hence the question of issuing any directions to the landlord-respondent to furnish a bank guarantee qua the rent paid does not arise. In view thereof, the impugned order qua the said application is upheld.

Regarding the application filed by the petitioners herein for recalling the file titled Ankur Rampal Vs. M/s Super Vehicles, the impugned order of the Rent Controller deserves to be upheld inasmuch as though vide order dated 05.10.2016 the cases were directed to be consolidated, however, subsequently on 30.08.2018 the said rent petition was withdrawn by the landlord (Ankur Rampal). In view thereof, question of recalling the said petition does not arise. Liberty has already been granted vide the impugned order to place on record the certified copies of the relevant documents of the case titled Ankur Rampal Vs. M/s Super Vehicles while addressing the arguments.

Qua the third application, learned counsel for the petitioners has contended that the petitioners only want to tender the documents in evidence and would not be leading any oral evidence in the said regard. Notice of motion only to this limited extent returnable 22.09.2022.

Dasti only.

Liberty is granted to the petitioners to serve the respondent through the counsel representing him before the Court below.

Meanwhile, final order be not passed.

To be shown in the urgent list.”

Today Mr. Rajesh Khurana, Advocate has put in appearance on behalf of the respondent. Learned counsel has handed over the certified copy of the application for adducing additional evidence filed by the petitioners herein before the Court of the Rent Controller. Learned counsel has pointed out that the application (Annexure P-3) filed in the present case refers to a totally different set of documents though the remaining paragraphs are verbatim the same. Annexure P-3 appended with the present petition details the following documents which the petitioners allegedly sought to adduce as additional evidence :

“I. Registration certificate of respondent firm with registrar of firm.

II. Registration Certificate issued by the Director of Industries, U.T. Chandigarh.

III. Partnership change certificate issued by registrar.

IV. Partnership deed of respondents no. 2 to 4.

V. GPA of respondent Satvant Singh and Davinder Singh in favour of partner Kuldeep Singh.

VI. Certified copy of order dated 18.11.2014 passed in Civil Suit titled Supervehicle versus Ashwini Rampal and others decided in the court of Sh. Manav, Civil Judge, Jr. Division.

VII. Order dated 11.03.2011 passed by Miss. Anupmish Modi the then Civil Judge, Jr. Division in Civil Suit titled Supervehicle Versus Ashwini Rampal and others on the application for not producing original rent agreement.

VIII. Ceritifed copy of statement of Narinder Kumar, Ahlmad in Civil Suit titled Supervehicle versus Ashwini Rampal and others.

IX. Order dated 14.12.2010 passed in Civil Suit titled Supervehicle Versus Chamanlal Rampal and others passed by the Hon'ble Court of Sh. Sunil Kumar, the then Civil Judge, Jr. Division, Chandigarh."

The certified copy of the application for additional evidence handed over by learned counsel for the respondent in Court today enlists the following documents which the petitioners had sought to adduce as additional evidence :

"I. SPA of respondent Satvant Singh and Davinder Singh dated 31.10.2007 in favour of partner Kuldeep Singh of M/S Super Vehicle.

II. Certified copy of order dated 18.11.2014 passed in Civil Suit titled Super vehicle versus Ashwini Rampal and others decided in the court of Sh. Manav, Civil Judge, Jr. Division.

III. Order dated 11.03.2011 passed by Miss. Anupmish Modi the then Civil Judge, Jr. Division in Civil Suit titled Supervehicle Versus Ashwini Rampal and others on the application for not producing original rent agreement.

IV. Ceritifed copy of statement of Narinder Kumar, Ahlmad in Civil Suit titled Supervehicle versus Ashwini Rampal and others.

V. Statement of Sh. Deepak Arora, Advocate dated 12.10.2007 and order dated 12.10.2007 passed by the Hon'ble court of Sh. Mahesh Kumar the then Rent Controller in Rent Petition titled Ankur Rampal Versus Super Vehicle.

VI. Rent Assessment order dated 8.01.2014 and order dated 06.02.2014 passed by the Hon'ble Court of Sh. KK Jain, the then Rent Controller, U.T. Chandigarh Rent Petition no.489 of 2013 titled Ankur Rampal versus M/s Super Vehicle."

Learned counsel for the petitioners when confronted with the two documents which are at variance with each other, is unable to give any sort of explanation except that there may have been a typographical mistake.

In view of the apparent variance in the two documents qua which learned counsel for the petitioners has no explanation for, I do not deem it fit to exercise jurisdiction under Article 227 of the Constitution of India in the present case. The present revision is accordingly dismissed with Rs.10,000/- as costs, to be deposited with the High Court Legal Services Committee. Pending applications, if any, also stand disposed off.

22.09.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO