

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

133 CR-2882 of 2023 (O&M)

SURINDER SINGH
.....Petitioner
Versus

SUMAN BERI AND ANOTHER
.....Respondents

CR-3196 of 2023(O&M)

SURINDER SINGH
.....Petitioner
Versus

SUMAN BERI AND ANOTHER
.....Respondents

Date of Decision: 11.09.2023

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Divanshu Jain, Advocate
for the petitioner (in CR No.2882 of 2023).

Mr. Prateek Sodhi, Advocate
for the petitioner (in CR No.3196 of 2023).

Mr. A.P.S. Sandhu, Advocate
for the respondents.

SANJAY VASHISTH, J.(Oral)

1. This order shall dispose of both the aforementioned
revision petitions as both the petitions have arisen out of the common
order.

2. Present revision petitions have been filed by the petitioner(s) (tenant) challenging the order dated 02.02.2023, passed by learned Rent Controller, Amritsar, whereby, a prayer was made to ensure the compliance of its own order dated 01.10.2022 (Annexure P-5).

3. Learned counsel for the petitioner(s) points out to the order dated 01.10.2022 (Annexure P-5), whereby, in paragraph No.3 and 4, following observations were made, while disposing of the earlier application(s) moved by the petitioner(s)(tenant):

'3. In reply, counsel for petitioner suffered a statement that he does not file separate reply but he contest the application as site plan of building in question is placed on record opinion of doctor, copy of sale deed, copy of rent, copy of will and details of property tax is already placed on record. However, he provide the copy of income tax returns, receipts of deposit and copy of bank account on record.

4. File perused. Vide reply, the petitioner has already provided the said documents and same is placed on record. As such, the application in hand stands disposed off being allowed. Now case adjourned to 21.10.2022 for filing written reply on behalf of respondents.'

4. Another application was filed by the petitioner(s) (tenant) before the learned Rent Controller for ensuring the compliance of the observations made in its order dated 01.10.2022 (*ibid*). In the said application, the learned Rent Controller, Amritsar, vide order dated 02.02.2023 in paragraph No.4,6 and 7 made following observations:

'4. Heard both the parties. Record perused. Perusal of the file reveals that the documents demanded by the respondent were already filed in the file and copies were already supplied to him by the petitioner. Perusal of the file also reveals that vide application dated 12.09.2022 for production of documents. Petitioner was already filed the

documents demanded by the respondent. The conduct of the respondents goes to show that in the guise of instant application, attempt is being made to protract the trial and to cause serious prejudice to the rights of the petitioner. The documents pertaining to Beri Shawl is irrelevant at this stage as it neither the party nor the same is required for proper adjudication of case. Similar is with opinion of doctor.

6. The arguments of the Ld. Counsel for the respondent that Court has ample power u/s 151 CPC is not tenable since the power of the Court cannot be exercised so as to linger on the matter and defeat the very principle on law i.e speedy trial.

7. The Court has to take recourse to such powers as are essential for achieving the ends of justice. Expeditious disposal of the petition is the very Foundation of the amplified procedure prescribed in the Code for conclusion of the suit. May be, a reasonable approach in this regard would, in any case, be highly appreciable. The said purpose is fully achieved in the present case.'

5. Mr. Jain, learned counsel for the petitioner points out that on the one hand, the earlier application was disposed of/allowed by saying that the documents sought by the petitioner are available on record but, on the other hand, vide present impugned order dated 02.02.2023, an unwarranted observation was made that the said documents would not be required for proper adjudication of the case. A similar view was expressed qua the 'opinion of doctor' also.

6. Considering the said aspect of the observation recorded by learned trial Court, this Court has applied its mind and is of the view that though, the observation is not the final conclusion because the Court itself has observed the relevancy of the documents pertaining to Beri Shawls at the present stage of the trial, which obviously means that at subsequent stage of the trial considering the importance of such documents would be open for the Court.

7. Therefore, both the parties before this Court are also *ad-idem* to modify the said observation by saying that same would be construed as not an observation made qua the actual relevance of the documents in the petition pending before the Court, rather, it would be a question for the learned Rent Controller, to decide its relevance, if so addressed by the parties before it, at its relevant or final stage.

8. With the aforementioned stand of the parties and observations made by this Court, the present petition(s) stand disposed of.

9. Since, the present revision petitions have been heard and disposed of finally, there is no need to pass any separate order in the pending applications, thus, same also stands disposed of.

September 11,2023
rashmi

Whether speaking/reasoned
Whether reportable?

[SANJAY VASHISTH]
JUDGE

yes/no
yes/no