



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

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**CR-4990-2024 (O&M)
Date of Decision : 21.11.2024**

SAT PAL @ SATPAUL Petitioner

VERSUS

PARVEEN KUMAR Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vikas Kumar, Advocate for the petitioner.

Mr. B.S. Bhalla, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been preferred challenging the order dated 30.07.2024 passed by the learned Rent-Controller-cum-Additional Civil Judge (Senior Division), Moga whereby the application filed by the petitioner-tenant for leading additional evidence was dismissed.
2. Brief facts relevant to the present *lis* are that the respondent-landlord herein filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for eviction of the petitioner-tenant from shop measuring 20'x10' fully described in the ejectment petition situated on Gandhi Road, Moga within the municipal limits of Moga. The petitioner-tenant had summoned RW-6, namely, Vinod Kumar as a witness through the agency of the Court. Despite numerous summons being sent to the said witness, he did not come forward and the evidence of the petitioner-tenant was closed. Aggrieved by the same the petitioner-tenant approached this

Court by filing a civil revision petition being CR-1316-2023 which was disposed off by this Court vide order dated 21.02.2024 permitting the petitioner-tenant to record the testimony of Vinod Kumar. Thereafter the testimony of Vinod Kumar was recorded who stated that the receipts were not signed by him. The said witness was declared hostile and the petitioner-tenant was permitted to cross-examine the said witness. Immediately thereafter an application was filed by the petitioner-tenant for leading additional evidence by examining a handwriting expert to tally the signatures of Vinod Kumar on the receipts with the admitted signatures of Vinod Kumar. The said witness gave his no objection for giving his handwriting and signatures for comparison. Infact the handwriting and the signatures were given for comparison. A reply was filed to the said application. However, before the application could be decided a report was submitted by the handwriting expert. Vide the impugned order the application was rejected. Hence, the present revision petition by the petitioner-tenant.

3. Learned counsel for the petitioner-tenant would contend that Vinod Kumar was examined as RW-6 and was declared hostile. Thereafter he was cross-examined. The said witness gave his no objection for giving his handwriting and signatures for comparison which were infact taken by the Court and a report was also prepared by the handwriting expert. Learned counsel would further contend that the necessity of leading additional evidence has arisen only because Vinod Kumar while appearing as RW-6 has denied his signatures on the receipts. It is further the contention that in

case the additional evidence is not allowed, great injustice would be caused to petitioner-tenant as he had already paid the entire rent to Vinod Kumar.

4. Learned counsel for the respondent-landlord has vehemently contended that no rent was paid to Vinod Kumar and it is actually Parveen Kumar who is the landlord and Vinod Kumar had no authority to collect the rent and even if the rent was collected by Vinod Kumar, nothing would turn on the same.

5. Heard.

6. In the present case the petitioner-tenant was permitted to examine Vinod Kumar by this Court vide order dated 21.02.2024 passed in CR-1316-2023. The said witness was examined and he denied his signatures on the receipts. Thereafter he gave his consent for giving his handwriting and signatures, which were taken, and an application was filed for examining a handwriting expert. Subsequently report of the handwriting expert was also prepared and was on the record when the application for leading additional evidence was dismissed on 30.07.2024. The necessity of leading additional evidence arose only because Vinod Kumar (RW-6) had denied his signatures. The Rent Controller dismissed the said application only on the ground that earlier the evidence of the petitioner-tenant was closed and he had been given only one opportunity by this Court to examine Vinod Kumar. This reasoning cannot be sustained. Granting of one opportunity to lead evidence would not bar the filing of an application for additional evidence, especially in the circumstances noticed above. The argument of the learned counsel for the respondent-landlord that even if

Vinod Kumar had collected the rent nothing would turn on the same as he had no authority to do so would be a matter to be gone into at the time of arguments on the basis of the evidence on the record. At this stage since the witness - Vinod Kumar - has denied his signatures, the application for additional evidence ought to have been allowed. Infact admittedly the report has already been prepared and the same is available on the record. That being so there would be no delay in the matter.

7. In view of the above, the present revision petition is allowed and the impugned order is set aside. Consequently, the application for leading additional evidence stands allowed. The Rent Controller concerned is requested not to grant any unnecessary adjournments to either of the sides and to decide the matter as expeditiously as possible.

8. Pending applications, if any, also stand disposed off.

21.11.2024
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No