



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

CR-1436-2022(O&M)

Date of decision: 18.11.2025

Rajesh Jain

... Petitioner

Versus

Varinder Jain (since deceased) through his legal heirs

... Respondent

2.

CR-1768-2022(O&M)

Rajesh Jain

... Petitioner

Versus

Jawahar Lal

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sherry K. Singla, Advocate,
for the petitioner(s).

Mr. Aakash Singla, Advocate,
for the respondent(s).

VIKRAM AGGARWAL, J.

This order shall dispose of the aforesaid titled revisions petitions, both assailing orders dated 07.02.2022, passed by the Court of Rent Controller, Samana (Annexure P-7), vide which the applications under Order XIII Rule 4 and Order XVIII Rule 4 of the Code of Civil Procedure, 1908 (for short, 'CPC') were partly allowed and the petitioner/landlord was directed to pay stamp duty along with penalty on the instrument of partition dated 02.01.2015. Notably, there were two eviction petitions and in both, similar orders were passed. The facts shall primarily be derived from CR-1436-2022.



2. A petition (Annexure P-1) was instituted by the petitioner-landlord (Rajesh Jain) under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for short, '**the Rent Act**') seeking ejectment of the respondent-tenant (Varinder Jain) from a shop (fully described in the eviction petition) situated at Post Office Road, New Market, Samana, Tehsil Samana, District Patiala (hereinafter referred to as, '**the demised premises**'). The petitioner claimed to be the landlord of the demised premises.

3. It was averred that the respondent was a tenant under one Vinay Kumar Jain, who was father of the petitioner. During his lifetime, Vinay Kumar Jain had made a family settlement, as per which the demised premises had fallen to the share of the petitioner and as regards the same, a Memorandum of Family Settlement was executed on 02.01.2015.

4. The eviction of the respondent-tenant was sought from the demised premises on the ground of non-payment of rent and personal necessity.

5. The eviction petition was opposed by way of a written statement (Annexure P-2) in which the relationship of landlord and tenant was denied so were the grounds of eviction.

6. From the pleadings of parties, issues were framed and evidence of the petitioner-landlord commenced. When the evidence was going on, an application (Ex.P5) was moved by the respondent-tenant under Order XIII Rule 4 and Order XVIII Rule 4 CPC praying that the documents exhibited in evidence were inadmissible and were insufficiently stamped. Accordingly, it



was prayed that the said documents may not be considered and be de-exhibited.

7. The application was opposed by way of a reply (Annexure P-6) in which details of documents exhibited were given. It was averred that the admissibility of documents could be raised at a later stage. It was further averred that an objection as regards exhibition if the document was insufficiently stamped was to be decided at the time of final adjudication.

8. By way of the impugned order, the Court of Rent Controller held that the issue qua admissibility of the documents would be taken up at the stage of final adjudication. However, the objection qua insufficiency of stamp duty was upheld and the petitioner-landlord was called upon to make good the stamp duty and court fee. Aggrieved by the said decision, the instant revision petition(s) have been preferred.

9. I have heard learned counsel for the parties.

10. Learned counsel for the petitioner(s) submits that in rent proceedings, such a course was not required to be adopted, as it was not a title suit between the parties. He further submits that despite holding that the issue of admissibility of documents in evidence would be decided at the final stage, the Court of Rent Controller went ahead and decided the issue of the document being properly stamped or not and erroneously called upon the petitioner to make good the stamp duty and court fee. Learned counsel submits that even on merits, the document was not a document *in praesenti* and, therefore, the direction as regards making good the stamp duty and court fee is erroneous.



11. Per contra, learned counsel representing the respondent(s)-tenant(s) has defended the impugned order stating that a bare perusal of the document would show that it is a document *in praesenti*, and was, therefore required to be stamped. He submits that since it was not adequately stamped, the Court of Rent Controller did not commit any illegality in calling upon the petitioner/landlord to make good the same.

12. I have considered the submissions made by learned counsel for the parties and find that the Court of learned Rent Controller did not examine the matter from the correct perspective. It has to be borne in mind that the petition instituted by the petitioner/landlord was an eviction petition under Section 13 of the Rent Act. It is well-settled that a question of title does not arise in such cases and a landlord, even if he is not the owner, is entitled to institute an eviction petition. Still further, while deciding the application filed by the respondent-tenant, the Court of learned Rent Controller held that since the objection qua admissibility of documents tendered by PW1 in his evidence had already been kept open and the case was fixed for cross-examination of PW1, it would be appropriate to take up the issue at the stage of final adjudication. Despite the same, it examined the issue regarding insufficiency of stamp duty on the documents (Ex.P2 & Ex.P10) and called upon the petitioner to make good the same on the next date of hearing fixed before it.

13. In the considered opinion of this Court, once the Court had held that the issue of admissibility of documents would be taken up at the stage of final adjudication, the issue of the document being properly stamped or not



should also have been considered at the final stage, if at all and there was no reason for the Court to decide the same during the course of evidence.

14. That being so, the impugned order is found to be unsustainable. Accordingly, the instant revision petition is allowed and the impugned order dated 07.02.2022, passed by the Court of Rent Controller, Samana (Annexure P-7) is set aside. The Court of learned Rent Controller shall, however, be at liberty to decide the said issue at the final stage, in accordance with law.

15. Needless to assert that nothing observed hereinbefore shall be construed to be an opinion on the merits of the case.

16. Pending application(s), if any, also stands disposed of.

(VIKRAM AGGARWAL)
JUDGE

November 18, 2025
Rajan

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