



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-236-2020(O&M)
Date of decision: 20.04.2023

Mam Chand

... Petitioner

Versus

Ishwar Lal

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Prabhat Sharma, Advocate, for
Mr. Gopal Sharma, Advocate,
for the petitioner.

Mr. Aditya Yadav, Advocate,
Mr. Atul Bhardwaj, Mr. Viransh, Advocates, and
Ms. Hemlata, Advocate,
for the respondent.

VIKRAM AGGARWAL, J. (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 11.12.2019, passed by the Court of Additional Civil Judge (Sr. Division), Rewari, vide which the application moved by the respondent-landlord for leading additional evidence was allowed.

2. The facts, as emanating from the revision petition, are that an eviction petition (Annexure P-1) was moved by the respondent-landlord (Ishwar Lal) under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (for short, '**the Rent Act**') against the petitioner-tenant (Mam Chand), seeking his eviction from a residential house situated in Mohalla Qutubpur, Rewari (hereinafter referred to as '**the demised premises**').



3. The said eviction petition was opposed by way of a written statement (Annexure P-2).

4. After the conclusion of the entire evidence of both sides, when the matter was fixed for arguments, and in fact arguments had also been addressed, an application (Annexure P-6) was moved by the respondent-landlord for producing Special Power of Attorney dated 12.04.2016 in evidence, which had been executed in favour of Deepak by the respondent-landlord (Ishwar Lal). The said application was opposed by way of a reply (Annexure P-7).

5. The said application was allowed by way of the impugned order dated 11.12.2019, leading to the filing of the present revision petition.

6. I have heard learned counsel for the parties.

7. Learned counsel for the petitioner submits that the Rent Controller, Rewari, erred in allowing the application since the matter was fixed for orders and, therefore, the application was highly delayed. He further submits that the application had been filed only with a view to fill-up the lacunae and to delay the proceedings.

8. Per contra, learned counsel for the respondent submits that it was a mere formality, which had to be completed, and that the Rent Controller, therefore, rightly allowed the application.

9. I have considered the submissions made by the learned counsel for the parties.

10. No doubt, the application was moved at a highly belated stage when evidence of both sides had concluded, arguments had been heard and the matter was fixed for orders. However, it has to be borne in mind that the



only prayer was to produce Special Power of Attorney executed by the respondent-landlord in favour of his son, who had appeared as PW1. The fact that cannot be lost sight of is that it was a curable defect. Another fact which needs to be mentioned is that the instant revision petition is pending for the last five years, with a direction to the Court concerned to adjourn the case beyond the date fixed by this Court.

11. Be that as it may, having considered the matter from all angles, this Court is of the considered opinion that there is no illegality in the impugned order warranting interference in revisional jurisdiction.

12. That being so, the revision petition is found to be devoid of merit and is accordingly dismissed.

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

(VIKRAM AGGARWAL)
JUDGE

April 20, 2026

Rajan

Whether speaking / reasoned:
Whether Reportable:

Yes/No
Yes/No