



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

206)

CR-5170-2019 (O&M)
Date of Decision: 12.05.2026

Gurdev Singh

...Petitioner

V/s

Jaspal Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Inderjit Sharma, Advocate, for the petitioner.

Mr. R.K. Arya, 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 16.07.2019 (Annexure P-5) passed by the Court of Rent Controller, Gurdaspur, vide which the application filed by the petitioner for leading additional evidence was dismissed.

2. An eviction petition was filed by the petitioner-landlord under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as "the Rent Act") seeking eviction of the respondent-tenant from a shop (fully described in the petition), situated at Chahal Market, New Abadi, Dhariwal, Tehsil and District Gurdaspur (hereinafter referred to as "the demised property") on the ground of non-payment of rent. The eviction petition was opposed by way of written statement (Annexure P-2).

3. It transpires that after the evidence by both sides had been concluded, an application (Annexure P-3) was moved seeking to produce certain additional evidence to prove the site plan, its approval and assessment receipts as there were some issues as regards the ownership and identity of the demised property. The said application was opposed by way of a reply (Annexure P-4).

4. By way of the impugned order dated 16.07.2019 (Annexure P-5), the said application was dismissed leading to the filing of the present revision petition.

5. I have heard learned counsel for the parties.

6. Learned counsel for the petitioner submits that the Court of Rent Controller erred in dismissing the application for additional evidence. He submits that in similar eviction petitions, such evidence has been led but on account of some confusion, the said evidence could not be led in the present case. He submits that the additional evidence is essential for the just decision of the case and it also goes to the root of the matter. Learned counsel submits that only one effective opportunity is required to lead additional evidence, referred to in the application.

7. *Per contra*, learned counsel for the respondent has opposed the submissions made by learned counsel for the petitioner. It has been submitted that the application, as was rightly observed, was totally vague and did not give any particular of the evidence to be led.

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

9. No doubt, the application for additional evidence was vague as there was no proper averment as to what additional evidence was to be led. However, it was said that the site plan, its approval and assessment receipts were to be proved. During the course of arguments, it has been stated that only one effective opportunity would be required to lead additional evidence, for which one witness has to be examined. Learned counsel for the petitioner submits that the said witness would be examined only to prove the site plan, its approval and assessment receipts with a view to clarify the ownership and identity of the demised property. In the considered opinion of this Court, the

said witness would be essential for the just decision of the case and, therefore, one opportunity should have been granted.

10. Under the circumstances, this Court deems it appropriate to grant one effective opportunity to the petitioner to lead additional evidence. The petitioner shall be permitted to examine one witness to prove the site plan, its approval and assessment receipts, as stated in the application for additional evidence. The said evidence would be permitted to be led on a date suitable to the Court of Rent Controller. This shall, however, be subject to Rs.15000/- as costs to be paid to the respondent-tenant.

11. The present revision petition accordingly stands disposed of in the above terms.

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

(VIKRAM AGGARWAL)
JUDGE

May 12, 2026
vcgarg

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No