
(2013) 02 RAJ CK 0138
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2963 of 2009

Jhamuku Lal and Another

APPELLANT

Vs

L.Rs. of Balu Ram and Another

RESPONDENT

Date of Decision : 04-02-2013

Acts Referred:

Citation : (2013) 2 CDR 906

Hon'ble Judges : Vineet Kothari, J

Bench : Single Bench

Advocate : D.R. Bhandari, for the Appellant; Tribhuvan Gupta, for the Respondent

Final Decision : Allowed

Judgement

Vineet Kothari, J.—This writ petition has been filed by the petitioners landlords against the order dated 23.01.2009, whereby the learned Rent Tribunal, Udaipur (Presiding Officer, Mr. Sushil Kumar Sharma) almost on review of previous order dated 10.08.2007, took on record the additional evidence adduced by the defendant-tenants after 17 years of the commencement of the trial in Eviction Suit No. 18/97-Jhamku Lal vs. Balu Ram. The same documents when in loose form were sought to be produced as Exhibit-A1 to Exhibit-All, were refused/rejected to be taken on record by the order dated 10.08.2007 by the same Rent Tribunal [Civil Judge (Sr. Division) No. 1, Udaipur], whereas the said loose paper documents in the form of a bound book, produced again with a fresh application, was taken on record by the impugned order Annex. 8 dated 23.01.2009. The reasons given despite objection of the petitioner/landlord by the learned Presiding Officer of said Rent Tribunal, Udaipur, in the impugned order is that the defendant is free to produce any document at any stage.

2. With great respects, this very foundation of the impugned order is unsustainable in law and the learned Rent Tribunal, Udaipur could not have reviewed its previous order after 17 years of the trial in an eviction matter, and could take this evidence on record, which was in the loose form of papers, was

earlier rejected by that very Tribunal at earlier point of time frame whereas at such belated stage, the impugned order so permitted additional evidence in the aforesaid manner in a wrong manner, not sustainable in law. The present writ petition is, therefore, deserves to be allowed and the same is accordingly allowed. The impugned order dated 23.01.2009 is set aside and the said documents in question will not be taken on record as adduced by the defendants-tenants and the trial in these circumstances deserves to be expedited and it is expected that trial will over within six months from today. A copy of this order be sent to the concerned parties and the learned Rent Tribunal, Udaipur forthwith.