

(2016) 03 RAJ CK 0097

In the Rajasthan High Court

Case No : Civil Writ Petition No. 11370 of 2015

Oriental College Primary School, Jodhpur

APPELLANT

Vs

Rameshwar Lal Soni & Anr.

RESPONDENT

Date of Decision : 09-03-2016

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 7 Rule 14(4)
Rajasthan Rent Control Act, 2001 — Section 21(3)

Citation : (2016) 3 WLN 190

Hon'ble Judges : Mr. Arun Bhansali, J.

Bench : Single Bench

Advocate : Dr. Gopal Raj Kalla, Advocate, for the Appellant;

Final Decision : Dismissed

Judgement

Arun Bhansali, J.—The record of the present writ petition has been reconstituted under the orders of this Court in S.B. Civil Misc. Application No.38/2016, decided on 26.02.2016. Before the original record was misplaced, the writ petition was lying in defect and, therefore, the same has been registered again as a defect case.

2. Though, no defects have been pointed out by the office, however, in view of the above, the defects are overruled.

3. Heard learned counsel for the petitioner.

4. This writ petition has been filed by the petitioner aggrieved against the order dated 10.09.2015 passed by the Rent Tribunal, Jodhpur Metropolitan ("the Tribunal"), whereby the application filed by the petitioner seeking exclusion of Exhibit-6 and recall of witnesses has been rejected.

5. The respondent No.1 filed a petition for eviction; during the course of examination of petitioner-tenant's witness Suresh Purohit, a document (Exhibit ? 6) was produced and the witness was cross-examined on the said document.

Where after, the petitioner filed the present application, inter alia, objecting to marking of exhibit on the said document and seeking recall of the landlord's witnesses for cross-examination qua the said document. The Tribunal dismissed the application, however, imposed a costs of Rs. 200/- on the landlord for producing the said document with delay.

6. It is submitted by learned counsel for the petitioner that the Tribunal was not justified in rejecting the application, inasmuch as, the document was not produced by following any procedure, no application was filed for taking the document on record and, therefore, the document could not be taken on record.

7. I have considered the submissions made by learned counsel for the petitioner and have perused the material available on record.

8. From a bare perusal of the order impugned, it is apparent that the existence of the document is not disputed by either of the parties as a reference to the document - compromise was made in the petition for eviction, which aspect was admitted in the reply and the document itself is a certified copy of the order passed the Court.

9. From the perusal of order impugned, it is also apparent that the document was used during the course of cross-examination of petitioner's witness DW-1 Suresh Purohit. For the purpose of confronting a witness with a document, even otherwise it is not necessary to produce the same along with the petition. In those circumstances, the plea raised by the petitioner has no substance.

10. So far as the plea raised by learned counsel for the petitioner regarding non-filing of application is concerned, as per the provisions of Section 21(3) of the Rent Control Act, 2001, the Tribunal can evolve its own procedure and, therefore, it cannot be said that the Tribunal committed any mistake in rejecting the application filed by the petitioner.

11. No interference is called for in the order impugned. The writ petition is dismissed.