
(2013) 10 RAJ CK 0117
In the Rajasthan High Court
Case No : Civil Writ Petition No. 10287/2013

Uttam Prakash Soni

APPELLANT

Vs

Chhotu Singh

RESPONDENT

Date of Decision : 18-10-2013

Acts Referred:

Citation : (2014) 2 WLN 46

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Vijay Bishnoi, J.—This writ petition has been preferred by the petitioner against the order dt. 29.07.2013 passed by the Rent Tribunal, Jodhpur (for short "the Rent Tribunal" hereinafter) in application No. 212/2012, whereby the learned Rent Tribunal has disposed of the application preferred by the respondent under Sec. 21 of the Rajasthan Rent Tribunal Act, 2001 (for short "the Act of 2001" hereinafter) read with Order 13 Rule 3 of the CPC and Section 63 of the Indian Evidence Act. The learned Rent Tribunal vide impugned order has allowed the production of certain documents, which are duly compared with the originals and disallowed the production of certain documents in the absence of their comparison with the originals and observed that the documents, which are not compared with the originals, can only be admitted into evidence, if the originals of the same are produced before the Court at the time of evidence. The learned Rent Tribunal has also observed that so far newspaper cutting is concerned, it can be looked into at the time of final decision as to whether the whole newspaper is required to be taken into consideration or any importance can be given to the newspaper cutting.

2. The learned counsel for the petitioner has assailed the impugned order dt. 29.10.2013 only on the ground that in the absence of whole newspaper, the cutting of the newspaper cannot be taken into consideration at the time of final decision because, if any objection is raised by the petitioner regarding the

admissibility of a document, it has to be decided immediately, and the decision cannot be postponed until final arguments.

3. The learned counsel for the petitioner has placed reliance on a decision of this Court in Ramesh Chandra and Others Vs. Additional Dist. Judge and Others, .

4. Heard learned counsel for the petitioner and perused the impugned order as well as the other documents produced by the petitioner along with the writ petition.

5. The learned rent tribunal has disallowed the production of the documents in the absence of their comparison with the originals and observed that if the originals of the documents will be produced at the time of evidence, then only the said documents can be taken on record after comparing it with the originals.

6. So far the newspaper cutting is concerned, the learned Rent Tribunal simply observed that the importance of the newspaper cutting will be taken into consideration at the time of final decision. After perusing the impugned order and after going through the relevant documents, this Court does not find any infirmity in the impugned order passed by the learned Tribunal. Hence, there is no force in this writ petition and the same is hereby dismissed.