

the matter in adjudication of the lis.

15. I am not in agreement with the findings rendered by the Lower Appellate Court while declining the application for additional evidence as no reasoning, much less, cogent reasoning has been assigned as how these documents are not essential and necessary and would not enable it to decide the controversy. Accordingly, the findings of the Lower Appellate Court to this extent are set aside and the matter is remitted back to the concerned trial Court which shall give 3-3 effective opportunities to each of the party to prove the aforementioned documents sought to be placed on record by way of additional evidence and rebut the same and thereafter, submit report to this Court within a period of six months.

16. Adjourned to 9.9.2016.

Order accordingly.

PUNJAB AND HARYANA HIGH COURT

Before: Ajay Tewari, J.

Civil Revision No. 1999 of 2016

Decided on: 30.03.2016

Sunil Sood

Petitioner

Versus

Rajinder Pal

Respondent

Present: Mr. Vinay Kumar Gupta, Advocate for the petitioner.

Mr. Abhishek Bhaskar, Advocate for the respondent.

Rent law case -- Provisional rent – Extension of time to deposit – Permissibility of – Application for extension of time declined, eviction order passed – Tenant’s appeal dismissed in view of law laid down in Rakesh Wadhawan’s case 2002(2) Punjab Law Reporter 370 (SC) and M/s S.Nihal Singh Motors and other’s case 2005(1) Local Acts Reporter 70(P&H) – No contrary law produced, consequently revision petition dismissed.

(Para 3-5)

Cases referred:

1. Rakesh Wadhawan and others v. Jagdamba Industrial Corporation and others, 2002(2) Punjab Law Reporter 370 (SC).
2. M/s S.Nihal Singh Motors and others v. Smt.Shama Malhotra and another, 2005(1) Local Acts Reporter 70(P&H).

JUDGMENT

AJAY TEWARI, J. (ORAL) –

1. Today learned counsel for the petitioner has argued that the petitioner is not agreeable to withdraw the petition and wants a decision on merits.

2. By this petition the petitioner has challenged the orders of the Courts

below ordering his eviction on the ground of nonpayment of rent w.e.f. 1.1.2009.

3. The petitioner took the plea that he had paid the rent to one Pawan Kumar who deposited in the name of the daughter-in-law of the respondent and he had paid this rent up to 31.07.2014. On this pleading the Court ordered provisional rent payable from 1.1.2009 to 30.09.2014 and gave an opportunity to the petitioner to deposit the rent. He was granted two months time to pay the rent and on that day he sought seven days time. The petitioner not having deposited the provisional rent the ejection was allowed.

4. In appeal the only ground taken by the petitioner was that he came to know of the order regarding deposit only one day prior to the date fixed and that is why he had sought seven days time. The Appellate Authority held that in view of the judgment passed by the Hon'ble Supreme in the case of **Rakesh Wadhawan and others v. Jagdamba Industrial Corporation and others, 2002(2) Punjab Law Reporter 370(SC)** and by this Court in the case of **M/s S.Nihal Singh Motors and others v. Smt.Shama Malhotra and another, 2005(1) Local Acts Reporter 70(P&H)**, no further opportunity could be granted to the petitioner and consequently dismissed the appeal. Learned counsel is not able to show any law which may have taken a contrary view to the judgments relied upon by the Appellate Authority i.e. **Rajesh Wadhawan's case(supra)** and **M/s S.Nihal Singh's case(supra)**.

5. Consequently the petition is dismissed.

6. Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

Petition dismissed.

PUNJAB AND HARYANA HIGH COURT

Before: Amit Rawal, J.

Civil Revision No.3660 of 2012 (O&M)

Decided on: 02.03.2016

Punjab Wakf Board

Petitioner

Versus

Anil Modi Oil Industries Ltd., Sunam & others

Respondents

Present: Mr.S.K.Pipat, Senior Advocate with Mr.Manoj Kumar Pundir, Advocate, for the petitioner.

Mr. Akshay Bhan, Senior Advocate with Mr.Santosh Sharma, Advocate, for the respondents.

Waqf Act, 1995 (43 of 1995), Section 3(1) -- Wakf property -- Notification for -- Effect of -- Wakf Board has failed to prove the identity of the property, the possession of which was sought, in essence, whether the property in possession of the defendants is the one belonged to the Wakf Board -- Stranger is not under obligation to file a suit within one year, the list cannot be final and conclusive against him -- Notification was published without calling any objections -- Assuming the notification to be correct, it was incumbent upon the petitioner-plaintiff to get the