

**PUNJAB AND HARYANA HIGH COURT****Before: Anil Kshetarpal, J.**

Civil Revision No. 3255 of 2021 (O&amp;M)

Decided on: 21.03.2022

Tek Ram Duggal

Petitioner

Versus

Roshni

Respondent

Present:

Mr. Parveen Chauhan, Advocate for the petitioner(s).

**East Punjab Urban Rent Restriction Act, 1949 (III of 1949), Section 13 – Code of Civil Procedure, 1908 (V of 1908), Order 7 Rule 11 -- Application under Order VII Rule 11 CPC for rejection of the petition dismissed – Eviction order passed – Challenge to order passed in application – Maintainability of – Held, once, the final order has been passed in the eviction petition, the revision petition rendered infructuous.**

**(Para 1, 2)**

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**ANIL KSHETARPAL, J. –**

1. Admittedly, the petitioner, after having been ordered to be evicted in the proceedings, filed under the East Punjab Urban Rent Restriction Act, 1949, has filed the present revision petition. The petitioner assails the correctness of the order dated 16.11.2021, passed by the Rent Controller dismissing his application under Order VII Rule 11 CPC for rejection of the petition.

2. Once, the final order has been passed in the eviction petition, the revision petition is rendered infructuous and the same is disposed of as such.

3. The miscellaneous application(s) pending, if any, shall also stand disposed of.

**Order accordingly.**

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**PUNJAB AND HARYANA HIGH COURT****Before: Anil Kshetarpal, J.**

CR No.1851 of 2019(O&amp;M)

Decided on: 07.03.2022

Swaran Kaur and others

Petitioners

Versus

Sukhwant Singh and others

Respondents

Present:

Mr. Kamal Narula, Advocate, for the petitioners.

Mr. Yogesh Kumar, Advocate, for the respondents.

**Code of Civil Procedure, 1908 (V of 1908), Order 6 Rule 2 -- Suit for permanent injunction – Exhibition of documents -- Pleadings – Requirement of -- Application for comparison of signatures on**

panchayati compromise -- Court dismissed the same on the ground that such document is beyond the pleadings – Held, document sought to be produced and proved in evidence is not required to be pleaded in the pleadings -- If it is necessary to prove the case of a party to the suit, the Court will not shut its doors or debar him from producing the same only on the ground of lack of pleadings with respect to the aforesaid document -- Revision allowed.

(Para 3,8,9)

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**ANIL KSHETARPAL, J. (ORAL) –**

1. The petitioners are defendants in a suit for grant of decree of permanent injunction restraining the defendants from causing forcible, illegal and unauthorized interference into their peaceful possession over the plaintiffs' house constructed upon the land measuring 41 Marlas and 5 Sarsai.

2. Defendants contested the suit while asserting as under:-

*"It is also important to mention here that with the intervention of the respectable of the village it was decided by them that plaintiff should hand over the possession of the plot marked with red colour with the attached site plan marked as BCEFGH which they have encroached upon illegally and forcibly to the defendants and also demolished the barthroom and toilet constructed on the portion of the defendants. The defendants along with Jaswant Singh Member, Kashmir Singh Ex. Sarpanch, Jeet Singh son of Dariya Singh, Baldev Singh son of Tika Singh and other persons consisting of panchayat approached the plaintiffs to hand over the possession of plot shown with red colour which was forcibly and illegally taken by the plaintiffs but plaintiffs on one pretext or the other delayed the matter and ultimately refused to hand over the possession of the plot which is approximately 1 Marla 4 Sarsai marked as BCEFGH with the attached site plan."*

3. In an application for permission to compare the signatures of the plaintiffs through the evidence of a Handwriting and Finger Print Expert on the alleged panchayati compromise, ExD3, the court dismissed the same on the ground that such document is beyond the pleadings.

4. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

5. From the reading of the extracted portion of para 4 of the written statement, it is evident that the defendants have in fact, asserted the fact which is sought to be proved by the evidence of Handwriting and Finger Print expert.

6. Moreover, the pleadings are required to be confined to the facts in a concise form and the evidence is not required to be made a part of the pleadings.

7. The learned counsel representing the respondents contends that the aforesaid panchayati compromise could not be permitted to be proved in evidence in the absence of specific pleadings to that effect.

8. The document sought to be produced and proved in evidence is not required to be pleaded in the pleadings. If the document sought to be produced

in evidence is necessary to prove the case of a party to the suit, the Court will not shut its doors or debar him from producing the same only on the ground of lack of pleadings with respect to the aforesaid document.

9. Keeping in view the aforesaid facts, the revision petition is allowed. The order dated 25.02.2019, passed by the Civil Judge (Jr. Divn.), Fazilka, is set aside. The trial court is directed to proceed with the matter.

10. All the pending miscellaneous applications, if any, are also disposed of.

**Petition allowed.**

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**PUNJAB AND HARYANA HIGH COURT**

**Before: Meenakshi I. Mehta, J.**

CR No. 1279 of 2022

Decided on: 07.04.2022

M/s Shree Bhagwati Road Lines and another

Petitioners

Versus

M/s GBTL Limited and others

Respondents

Present:

Mr. Gaurav Gaur, Advocate for the revisionists-petitioners.

**Code of Civil Procedure, 1908 (V of 1908), Order 1 Rule 10 -- Civil suit for recovery -- Application by defendant for impleadment of new defendant -- Necessary party -- Privity of contract -- Effect of -- Proposed defendant was not a party to the transaction between the petitioners and respondent No.1-plaintiff -- Petitioners were to deliver the said goods of respondent No.1-plaintiff to proforma respondents No.2 and 3 and they are stated to have engaged the proposed defendant No.5 to transport the same -- Thus, there was no privity of contract between respondent No.1-plaintiff and the said proposed defendant -- Held, proposed defendant Company cannot be construed to be a necessary party for proper and effective decision -- Plaintiff enjoys the status of *dominus litis* and has every right to pursue his claim against anyone he thinks fit -- Application dismissed by Trial Court -- Revision against dismissed.**

**(Para 1, 5, 6)**

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**MEENAKSHI I. MEHTA J. (ORAL) –**

1. By way of the instant revision-petition, the petitioners (arrayed as defendants No.3 and 4 in the Civil Suit) lay challenge to the order dated 11.03.2022 (Annexure P-7) passed by learned Civil Judge (Junior Division), Bhiwani (for short 'the trial Court') whereby the application moved by them under Order 1 Rule 10 CPC for impleading M/s Gill Sindu Transport Company as defendant No.5 in the Civil Suit, has been dismissed.

2. As per the brief factual-matrix culminating in the filing of the present revision petition, respondent No.1-plaintiff filed a Civil Suit against the petitioners-defendants and proforma respondents No.2 and 3 (defendants No.1