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128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6966 of 2025 (O&M)
DATE OF DECISION: 29.09.2025

ARVIND GUPTA @ ARVIND KUMAR GUPTA AND ANOTHER

.....PETITIONERS

Vs.

SHRI SATYA NARAIN BHAGWAN TRUST, REWARI AND
ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Ajay Jain, Advocate,
for the applicants-petitioners

AMARINDER SINGH GREWAL, J.

CM No.20012-CII-2025

Application for exemption is allowed, as prayed for.

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1. The present Civil Writ Petition has been filed by the petitioners-tenants challenging the order dated 09.09.2019 passed by the learned Rent Controller, Rewari, whereby the counsel for the petitioners stated at the Bar that he did not wish to lead any further evidence except to prove the document Ex. R-4 in Eviction Petition No. RP-645-2023 titled *Shri Satyanarain Bhagwan Trust vs. Arvind Gupta and another*, filed by the respondents-owners under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (for short 'the Act'). The proceedings were thereafter stayed till further orders of this Court.



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1.1 The petitioners-tenants have also assailed the order dated 28.08.2025 passed by the learned Civil Judge (Senior Division), Rewari, whereby the review application filed by the petitioners-tenants against the aforesaid order dated 09.09.2019 was dismissed.

2. Brief facts of the case are that the contesting respondent No. 1 – *Shri Satya Narain Bhagwan Trust, Rewari, through its Trustee* – had filed an eviction petition (Annexure P-1) under Section 13 of the Act against the petitioners, Arvind Gupta @ Arvind Kumar Gupta and another, seeking their eviction from the premises in question. Pursuant to notice, the petitioners appeared and filed their written statement dated 13.12.2013 (Annexure P-2). During the evidence, the petitioners filed an application for production of documents and, in the alternative, prayed that they be permitted to lead secondary evidence in respect of the document Ex. R-4. However, the learned Rent Controller, Rewari, dismissed the said application, vide order dated 23.10.2018 (Annexure P-3).

2.1 Aggrieved thereby, the petitioners filed Civil Revision Petition No. CR-7577 of 2018 before this Court. This Court disposed of the aforesaid petition, vide order dated 12.11.2018 (Annexure P-4), with a direction to the Rent Controller to pass a specific order on the relief sought by the petitioners to prove the document Ex. R-4 by way of secondary evidence. Thereafter, the learned Rent Controller, Rewari, again dismissed the application for production of document Ex. R-4 as well as for leading secondary evidence, vide order dated 04.07.2019 (Annexure P-5). Aggrieved thereby, the petitioners preferred Civil Revision Petition No. CR-4643-2019 before this Court. This Court, vide order dated 02.09.2019



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(Annexure P-6), issued notice to respondent No. 1 and directed that the Rent Controller, Rewari, may proceed with the proceedings but shall not pronounce the final decision.

2.2 Thereafter, the learned Rent Controller passed the order dated 09.09.2019, now under challenge, wherein it is recorded that the counsel for the petitioners submitted at bar that he did not wish to lead any evidence other than to prove the document Ex. R-4 by way of secondary evidence. Subsequently, the petitioners moved an application for recalling the said order dated 09.09.2019 and prayed for permission to lead additional evidence, submitting that the affidavits of Ashok Photographer and J.R. Gupta had already been prepared on 04.09.2018 and that they were required to be examined before the learned Rent Controller. Upon reply and after hearing the respective submissions of the parties, the learned Rent Controller dismissed the said application, vide order dated 28.08.2025, which is under challenge herein.

3. Learned counsel for the petitioners has submitted that there was no intention on the part of the counsel for the petitioners to make a statement before the learned Rent Controller that they did not wish to lead any further evidence except to prove the document Ex. R-4. Rather, the petitioners intended to examine the above-named witnesses, Ashok Kumar and J.R. Gupta, in their evidence before the learned Rent Controller. It is, therefore, submitted that for a just decision of the case, the said witnesses are crucial, but the learned Rent Controller Rewari, overlooked this aspect and wrongly dismissed the application for recalling the order dated 09.09.2019, thereby denying permission to lead additional evidence.



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4. I have heard learned counsel for the petitioners-revisionists and perused the paper-book.

5. In view of the order proposed to be passed, issuance of notice to the respondents is not considered necessary, as the same would only delay the proceedings and entail additional expense.

6. Upon hearing the submissions of the learned counsel for the petitioners-revisionists, this Court is of the considered opinion that it is categorically recorded in the order dated 09.09.2019 that counsel for the petitioners had submitted at bar that they wished only to prove the document Ex. R-4 by way of secondary evidence, for which a civil revision had already been pending before this Court, and that they did not wish to lead any further evidence. Once such a statement was recorded way back on 09.09.2019, the petitioners could not have remained silent for such a long period. It is not acceptable that either the parties or their counsel were unaware of the said order dated 09.09.2019. Having themselves made the statement that they did not wish to lead any further evidence, the petitioners are now barred from contending otherwise.

7. The learned Rent Controller, Rewari, while passing the order dated 28.08.2025, rightly relied upon the judgments of the Hon'ble Supreme Court in *Smt. Lavanya C and another vs. Vittal Gurudas Pai (since deceased) by LRs and others*, 2025 (2) Apex Court Judgments 222 (SC), and *Bar of Indian Lawyers vs. National Institute of Communicable Diseases*, (2024) 8 SCC 430, and rightly dismissed the application.

8. Accordingly, this Court finds no merit in the prayer for setting aside the orders dated 09.09.2019 and 28.08.2025 passed by the learned



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Rent Controller, Rewari. Finding no illegality in the aforesaid orders, the present revision petition, being devoid of merit, is accordingly dismissed.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

SEPTEMBER 29, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking	Yes
Whether Reportable	No