

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>CLR No. 130 of 2017</u> <u>Hon'ble Rakesh Thapliyal, J.</u> (Through V.C.)</p> <ol style="list-style-type: none"> 1. Mr. Siddhartha Singh, learned counsel for the revisionist. 2. Mr. Nandan Arya, learned counsel for the respondent. 3. The SCC suit filed by the plaintiff/revisionist was dismissed by the trial court against which the instant revision has been preferred. The suit was dismissed only on the ground that the instead of plaintiff his wife being a power of attorney holder of plaintiff came in the witness box and the plaintiff never come forward to prove rent agreement entered between the parties. 4. The remaining issues with regard to the landlord/tenant relationship as well as the arrear of rent since 2012 were decided in favour of the plaintiff. Though the suit was filed on the ground that agreed rate of rent per month is Rs. 2500/- however, since agreement could not be proved, the trial court came to the conclusion that the agreed rate of rent is Rs. 15,00/- per month. 5. It is argued that as per Section 120 of the Evidence Act, the evidence of the wife of the plaintiff is admissible since she is a competent witness. It is further argued that the SCC court also comes to the conclusion that there is a default of rent which the respondent/defendant

		<p>could not pay and neither there is any compliance of Section 15(4) of SCC Court Act nor of Section 20(4) Act No. 13 of 1972. The revision was filed in the year 2017 and the counsel for the revisionist argued that since 2012 not a single penny towards the rent has been paid by the respondent/defendant.</p> <p>6. On 24.11.2025 an application has been moved by the respondent/defendant under Order 41 Rule 27 placing on record certain documents which were never been produced before the trial court. The first two documents are the copy of renewal of lease granted to the plaintiff/revisionist and his wife and the next document is an agreement to sale deed dated 31.01.2023 and other documents relates to the steps as taken by the respondent/defendant against the plaintiff. It is contended by Mr. Nandan Arya, learned counsel for the respondent/defendant that during the pendency of the instant revision on 31.01.2023 an agreement to sale was executed by the respondent/defendant with a full consideration of Rs. 1,30,00,000/-(one crore thirty lakh) out of which Rs. 50,00,000 (fifty lakh) has already been paid. He also pointed out that not only this even at the time of the execution of the sale deed the property which was subject matter of agreement to sale was also handed over to the respondent/defendant. All these documents filed along with the application under Order 41 Rule 27 are the zerox copy.</p> <p>7. Mr. Nandan Arya, learned counsel for the respondent prays for and is granted a week's time to file the original documents.</p>
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8. Simultaneously, the counsel for the revisionist may also file the objections to the application moved under Order 41 Rule 27 within two weeks.

9. List this case after two weeks.

(Rakesh Thapliyal, J.)
25.11.2025

Nahid