

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No.3286 of 2015 (O&M)
Date of decision : May 15, 2015**

Raj Kumar

..... Petitioner

Versus

Pritam Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE GURMIT RAM

1. To be referred to the Reporters or not? No / Yes
2. Whether the judgment should be reported in the Digest? No / Yes

Present : Mr. Jasdev Singh Mehndiratta, Advocate,
for the petitioner.

GURMIT RAM, J.

1. Mr. Anil Rathee, Advocate puts in appearance on behalf of respondent No.1 and has filed his power of attorney, which is taken on record.
2. This petition is preferred by one of the tenants namely Raj Kumar against the order dated 19.02.2013 (Annexure P-1) vide which evidence of the tenants was closed by order by the learned Rent Controller Charkhi Dadri, District Bhiwani and order dated 07.05.2015 (Annexure P-5) vide which his application filed under Section 151 CPC for reopening of the case for producing documents and more witnesses was dismissed by the said Rent Controller.
3. Counsel for both the parties heard and record was also perused.
4. It is contended by the learned counsel for the petitioner that petitioner could not produce his evidence on 19.02.2013 before the learned Rent Controller for the reason that father of his counsel namely Sh. Hitender Kumar Jangra had expired on 13.02.2013. Since the counsel for the tenant

(petitioner herein) was unable to conduct the case for the reason above mentioned, so a request was made to the Court for adjournment which was wrongly declined and his evidence was also closed by order vide impugned order, Annexure P1 dated 19.02.2013. Then it is also his contention that the learned Rent Controller further committed a grave error in dismissing his application filed under Section 151 CPC for the permission to lead more evidence on his behalf.

5. Both the impugned orders (Annexure P-1 and Annexure P-5) are stated to be result of non-application of judicious mind to the facts of the case which has caused serious prejudice to the petitioner herein (tenant). Further he has prayed that this revision petition be accepted, both the impugned orders (Annexure P-1 and Annexure P-5) be set aside and the tenant be granted opportunity to lead more evidence.

6. On the other hand the learned counsel for respondent No.1 was present in the Court, though no notice was issued to the respondent. He has denied all the above contentions of the learned counsel for the petitioner. He has submitted that the rent petition in question was filed in the year 2006 and the case has been pending at the stage of the evidence of the petitioner herein (tenant), since the year 2010. Since the tenants were not serious in leading their evidence before the learned Rent Controller in this case so as such both the alleged impugned orders (Annexure P-1 and Annexure P-5) are rightly passed.

7. The learned counsel for the respondent No.1 has also placed on the file certified copies of the zimni orders of different dates dated 14.05.2010, 27.08.2010, 14.09.2010, 01.11.2010, 19.07.2012, 12.12.2012, 29.01.2013 and 19.02.2013 passed in this case by the Rent Controller.

From perusal of all these zimni orders, it is found that tenants were being represented before the learned Rent Controller in this case by Sh.A.K. Jain, Advocate and presence of abovesaid Sh.Hitender Kumar Jangra, Advocate is not marked anywhere in these orders as the counsel for the tenants. Then in para No.2 of the impugned order (Annexure P-5), it is recorded that Sh.A.K. Jain, Advocate and Sh. Jagat Narain, Advocate along with Sh.Hitender Kumar Jangra Advocate were conducting this case before the learned Rent Controller on behalf of the tenants. Even if the father of said Sh. Hitender Kumar Jangra, Advocate was expired on 13.02.2013, even then the abovesaid remaining two counsel were available for the tenants to appear on their behalf on the said date to conduct the case for producing evidence on their behalf. Then the record also shows that case was pending at the stage of evidence of the tenants since 05.08.2010. They also filed an application for the transfer of the case to some other Court. Then they also filed an application to lead secondary evidence which was dismissed. So all this shows that sole intention of the tenants before the learned Rent Controller is to delay the matter for one reason or other. There is nothing wrong in the abovesaid both the impugned orders, so this revision petition being merit-less stands dismissed and disposed of accordingly.

8. This order will have no effect on the merits of the main case now pending before the learned Rent Controller.

May 15, 2015
Gaurav Sorot

(GURMIT RAM)
JUDGE