

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

114

**Civil Revision No.4503 of 2015
Date of Decision:30.09.2015**

Parmajit Kaur and anotherpetitioners

Versus

Shah Jahan @ Sajanrespondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1. Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.N.K.Manchanda, Advocate
for the petitioners

Mr.Ashish Gupta, Advocate
for the respondent

ARUN PALLI, J.(ORAL):-

Vide order being assailed dated 15.05.2015, rendered by Rent Controller, Moga, application moved by the petitioners-landlord to examine themselves by way of additional evidence has since been dismissed.

A bare analysis of the order under challenge, reveals that the issues were framed as back as on 16.02.2012 and as many as 14 effective opportunities were granted to the petitioners to conclude their evidence. So much so, on the statement of counsel for the petitioners, their evidence was closed on 22.07.2014. Not just that, even the respondent had concluded his evidence and the application was moved when the matter was listed for rebuttal and arguments. Ex facie, the petitioners have been extremely remiss and negligent in pursuing their cause. But it is also true that non-

appearance of the petitioners in support of their claim would be fatal to the eviction petition filed by them. As regards the delay and inconvenience, that has been caused to the respondent, he could be compensated by awarding suitable costs to avert any miscarriage of justice.

Having argued the matter at some length, learned counsel for the parties have reached a consensus that let one effective opportunity be granted to the petitioners to examine petitioner No.1 i.e.Paramjit Kaur wife of Jagdish Rai son of Malkiat Rai, on the date that shall be fixed by the Rent Controller, in this regard, subject to costs of ₹ 20,000/-.

That being so, the order dated 15.05.2015, rendered by Rent Controller, Moga, is set aside. The petitioners shall be granted one effective opportunity to examine petitioner No.1 i.e.Paramjit Kaur wife of Jagdish Rai son of Malkiat Rai, on the date that shall be fixed by the Rent Controller, in this regard. No further adjournment shall be granted. In case, petitioner No.1 fails to examine herself on the stipulated date, her evidence would be deemed to have been closed. This, however, shall be subject to costs of ₹ 20,000/- which shall be the condition precedent.

The petition is disposed of, in the above said terms.

30.09.2015

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(ARUN PALLI)
JUDGE