

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CR No.5690 of 2015  
Date of decision: 03.09.2015

Rattan Lal

... Petitioner

Versus

Nityanand

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Raman Gaur, Advocate, for the petitioner.

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1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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ARUN PALLI J. (Oral)

Vide order dated 20.05.2015, rendered by Civil Judge (Jr. Divn.), Narnaul, the evidence of the petitioner-tenant has since been closed by order. As an application for additional evidence, moved subsequently, was also dismissed vide order dated 08.07.2015, petitioner-tenant is before this court.

Ex facie, petitioner failed to conclude his evidence despite having availed nine effective opportunities. So much so, even on 20.05.2015, no evidence of the petitioner was present despite being the last opportunity, as a result, his evidence was closed. Subsequently, an application was moved seeking permission to adduce additional evidence and examine the petitioner himself and building expert Sh. PR Gupta.

Apparently, the evidence which the petitioner failed to adduce in the first instance and could not be led as his evidence was closed by order, was sought to be led by way of additional evidence. Not just that, this could not be the case of the petitioner either that the proposed evidence was either not in his knowledge or could not be produced despite due diligence. But, be that as it may, it is equally true that in case the petitioner is not permitted to examine himself and the building expert Sh. PR Gupta, that would cause grave prejudice to his right of defence and might result in miscarriage of justice.

That being so, I am of the view that petitioner be afforded one effective opportunity to conclude his entire evidence to secure the ends of justice. For the delay, caused on account of the negligence of the petitioner, respondent can be compensated by awarding suitable costs. To avert any further delay and the expenses that shall have to be incurred, no formal notice is being issued to the respondent-landlord to defend these proceedings. Accordingly, the orders dated 20.05.2015 and 08.07.2015 are set aside and the petition is disposed of in the following terms:

i) Learned Rent Controller shall grant one effective opportunity to the petitioner to examine himself and the building expert Sh. PR Gupta on the date that shall be fixed by the Rent Controller in this regard;

ii) In the event, the petitioner fails to adduce and conclude his evidence on the date fixed, his evidence shall be deemed to have been closed and no further opportunity shall be granted;

iv) The petitioner shall lead his evidence at his own responsibility without any assistance and process of the court; and

v) This, however, shall be subject to payment of ₹ 20,000/- as costs, which shall be condition precedent.

September 3, 2015  
Rajan

( Arun Palli )  
Judge