

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5823 of 2015(O&M)
Date of decision: 23.09.2015

Satpal Nanda

... Petitioner

Versus

Vijay Kumar Khosla and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Anil Kumar Lamdharia, Advocate
for the petitioner.

Mr. Ashish Verma, Advocate for the respondents.

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?

ARUN PALLI J. (Oral)

On September 7, 2015, this court had passed the following order:

“Learned counsel for the petitioner submits that although the petitioner has been extremely negligent to pursue his cause, but, in case he is not granted one effective opportunity to lead the documentary evidence, as he wishes to, he shall suffer an irreparable loss. Further, as petitioner himself happens to be the landlord, he does not stand to gain by delaying the proceedings, and, in any case, the respondent can be suitably compensated by awarding an exemplary cost to avert miscarriage of justice.

Notice of motion for 21.09.2015.

Process *dasti* as well with liberty to serve the respondents through their counsel before the Rent Controller.

To be shown immediately after the urgent cases.”

Mr. Ashish Verma, learned counsel for the respondents, does not oppose the prayer that has been advanced by counsel for the petitioner and submits that let one effective opportunity be granted to the petitioner to lead his entire documentary evidence, but subject to payment of suitable costs as he has been grossly negligent and remiss in pursuing his cause.

Accordingly, the orders dated 07.01.2013 and 23.07.2015, are set aside and the petition is disposed of in the following terms:

i) Petitioner-landlord shall be afforded one effective opportunity by the Rent Controller to lead his entire documentary evidence on the date that shall be fixed in this regard;

ii) In case the petitioner fails to avail the opportunity or does not lead his entire documentary evidence on the date fixed, his evidence shall be deemed to have been closed and no further opportunity shall be granted;

iii) This, however, shall be subject to costs of ₹ 50,000/-, as suggested, on instructions, by the learned

counsel for the petitioner, and that shall be condition precedent.

September 23, 2015
Rajan

(Arun Palli)
Judge