

CR-8434-2014 (O&M)

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

**CR-8434-2014 (O&M).
Decided on: May 11, 2015.**

Kirpal Singh

..... Petitioner(s)

Versus

Jaswinder Pal Singh

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Yatin Gupta, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

Vide order dated 4.10.2014, the evidence of the tenant-petitioner was closed by order of the Rent Controller for having not paid the costs and for not examining any witness on said date. Application filed for setting aside that order dated 4.10.2014 and to allow the petitioner to lead evidence was also dismissed on 14.11.2014. Certified copy of the order dated 4.10.2014, has been placed on record.

Counsel for the petitioner submits that the petitioner requires only one opportunity to produce the entire evidence at his own responsibility. A perusal of the application dated 4.10.2014, indicates that he had given sufficient reasons for his absence before the Rent Controller on 4.10.2014.

In order to avoid the delay in the proceedings pending before the Rent Controller and to give a fair opportunity to

CR-8434-2014 (O&M)

the petitioner to conclude his evidence without burdening the landlord-respondent with unnecessary expenditure, in the interest of justice, this petition is disposed of in limine directing that the petitioner will be given one opportunity to produce his entire evidence at his own responsibility subject to payment of costs of Rs.10,000/-. The Rent Controller, shall fix a date of hearing for permitting the petitioner to complete his evidence subject to payment of Rs.10,000/- as costs. The petitioner will produce himself or any other witness in the witness box. It is made clear that in case the costs is not paid or the petitioner fails to produce his witnesses on the date fixed by the Rent Controller, this petition will be deemed to have been dismissed.

With above conditions, the orders dated 4.10.2014 and the order dated 14.11.2014 are set aside and the petition is allowed.

Since the petition has been disposed of in limine, it will be open to the respondent to approach this Court for review of the order if the respondent is not satisfied with the order.

May 11, 2015.
rka

(M.M.S. BEDI)
JUDGE