

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 8847 of 2014
Date of Decision: 24.07.2015.**

Sudhir Kumar Marwaha and others

.....Petitioners

Versus

Punjab State Human Rights Commission

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sharan Sethi, Advocate
for the petitioners.

Mr. Divanshu Jain, Advocate
for the respondent.

SABINA, J.

Petitioners have filed this petition under Article 227 of Constitution of India challenging the order dated 26.11.2014.

Impugned order dated 26.11.2014 reads as under:-

“No PW is present today nor PW-2 has been produced for his cross-examination. Adjournment sought by the learned counsel for the petitioner. Heard. Perusal of the file shows that the petitioner has taken sufficient opportunities including last opportunities for conclusion of his evidence but he has failed in this regard. Instant case pertains to an Action Plan Case and adjournments in such likes have been avoided in order to dispose off the such like cases expeditiously. Learned counsel for the

petitioner on the previous date had undertaken to produce the witness but he has failed to produce him. Accordingly, finding no justification to further adjourn the case for petitioner evidence same is hereby closed by order. Now for evidence of respondent to come upon 01.12.2014.”

Learned counsel for the petitioners has submitted that petitioners be granted only one opportunity to enable them to examine Rohit Bhuchar, elder brother of petitioner No. 3 as a witness.

Learned counsel for the respondent, on the other hand, has opposed the petition and has submitted that petitioners were granted more than 20 opportunities to enable them to conclude their evidence. Petitioner No. 3 has already been examined as a witness. Petitioner No.1 also appeared in the witness box and was partly cross-examined but thereafter he failed to appear in the witness box for his further cross-examination.

Petitioners have filed petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking ejectment of the respondent from the premises in question. Petitioners are the owners of the premises in question and have sought ejectment of the respondent on the ground of personal necessity. The ejectment petition was filed in the year 2008. Issues were framed by the Trial Court on January 2013 and thereafter the case was adjourned from time to time for the evidence of the petitioners. Petitioner No. 3 has already been examined as a witness. Petitioner No. 1 appeared in the witness box and was partly cross-examined but thereafter he failed to appear in the witness box for his further

cross-examination. In the present case, despite sufficient opportunity including last opportunity, petitioners have failed to conclude their evidence.

In the facts and circumstances of the present case, the learned Rent Controller rightly closed the evidence of the petitioners.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

July 24, 2015
Gurpreet