

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

**CR No. 2239 of 2017**

**Date of decision : 28.03.2017**

Makhan Lal

....Petitioner

V/s

Harish Bhatia & ors.

....Respondents

**BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Manoj Bajaj, Advocate for the petitioner.

**RAJAN GUPTA J.**

Present petition is directed against the order passed by court below whereby application preferred by tenant-petitioner for leading additional evidence has been rejected.

It has been urged before the court that petitioner availed only eight opportunities for leading his evidence. RW1 & RW 2 were examined by him. However, the expert witness who deposed regarding the condition of the building would not be examined. Trial court closed the evidence vide order dated 09.01.2017. Petitioner moved instant application thereafter. Same was also dismissed on 15.02.2017. According to counsel for the petitioner in case expert does not testify regarding the condition of the building, the court may not be able to arrive at a firm conclusion whether the building is fit for human habitation.

Keeping in view facts and circumstances of the case, I am of the considered view that one opportunity needs to be afforded to the petitioner during the pendency to lead his evidence. Ordered accordingly.

This court is conscious of the fact that this order is passed without notice to the respondents. Petitioner will, thus pay costs of ₹7,000/- to be remitted to landlord-respondent.

Allowed in these terms.

March 28, 2017

*Ajay*

(RAJAN GUPTA)  
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No