

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

123

CR-3082-2017 (O&M)
DATE OF DECISION:01.05.2017

RAJINDER KUMAR

... Petitioner

V.

SANDEEP KUMAR

... Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Surinder Thakur, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner/respondent has impugned order dated 11.04.2017 whereby Additional Civil Judge (Senior Division), Mohali, exercising the powers of Rent Controller, has closed the evidence of the petitioner.

The petitioner/respondent is a tenant of the premises wherein the landlord has sought his eviction by preferring petition under Section 13 of the East Punjab Rent Restriction Act. It is the case of the petitioner that he could not deposit the diet money for summoning the witness on earlier occasions as he was unwell. The petitioner has referred to the out patient card of PGIMER, Chandigarh in support of his contention that he was suffering from cardiac condition. Learned counsel for the petitioner contends that there has been no undue delay on the part of the petitioner/respondent for producing the witness before the Court and he craves the indulgence of this court for providing only one opportunity to produce the remaining official witness who could be examined and cross-examined on the same day.

I am of the view that it would be in the interest of justice, if the petitioner is granted one opportunity to produce the official witness. In the

case of *Salem Advocate Bar Association, Tamil Nadu v. Union of India*, **AIR 2005 SC 3353** it has been held by the Supreme Court that more than three adjournments can be granted for evidence of a party by imposing punitive cost.

Accordingly, the impugned order dated 11.04.2017 is set aside. The petitioner/respondent would deposit a sum of ₹ 5,000/- as costs with the District Legal Services Authority, SAS Nagar, Mohali. The petitioner shall be at liberty to approach the trial Court for summoning the official witness who shall be examined/cross-examined on the same day after being summoned by the trial Court.

The revision petition is disposed of without notice to the respondent in order to avoid delay and expenses in view of the nature of the order being passed. However, liberty is granted to the respondent to approach this Court if he feels aggrieved by this order.

(ANUPINDER SINGH GREWAL)
JUDGE

01.05.2017

SwarnjitS

Whether speaking/reasoned
Whether reportable

Yes /No
Yes /No