

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

Civil Revision No.4356 of 2015(O&M)

Date of decision: 21.02.2017

Hans Raj

...Petitioner

Versus

Sultan Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: None for the petitioner.

Mr. Amit Jain, Advocate for the respondent.

G.S.SANDHAWALIA, J. (Oral)

The present revision petition is directed against the order dated 2.7.2015 whereby the Rent Controller, Chandigarh closed the evidence of the petitioner-tenant and fixed the case for rebuttal evidence.

A perusal of the zimini orders reproduced in the grounds of revision would go on to show that witnesses of the tenant were present through out atleast on four occasions starting from 4.5.2015 to 29.5.2015. The eviction petition was filed on 21.5.2011 and till 25.2.2015, the landlord had been leading his evidence and closed his evidence on the said date. The opportunities thus granted to the tenant were not commensurate with the opportunities granted to the landlord. In such circumstances, the impugned order apparently is not justified in the facts and circumstances of the case. It is not a case where the finding had been recorded that there was any delay caused on the part of the tenant whose witnesses were constantly present. The urgency which was demonstrated by the Rent Controller, Chandigarh in closing the evidence of the tenant was not justified.

Counsel for the respondent submits that evidence of the tenant is almost complete.

Accordingly, the present revision petition is allowed. Order dated 2.7.2015 passed by the Rent Controller, Chandigarh is set aside. However, in view of the fact that the ejectment petition is of 2011, the Rent Controller, Chandigarh shall make efforts to dispose the ejectment petition as expeditiously as possible preferably by 31.12.2017.

February 21, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No