

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 108

CR-4349-2017 (O&M)

Decided on : 28.07.2017

Apandeep Singh

..... Petitioner

VERSUS

Gurudwara Mastuana Sahib

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Sandeep Chopra, Advocate, for the petitioner.

Mr.Sham Lal Bhalla, Advocate, for the respondent.

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DEEPAK SIBAL, J. (ORAL)

Through the impugned order passed by the Rent Controller, Ludhiana, the petitioner's evidence was closed for having not led his entire evidence after having being granted adequate opportunities for the same.

Learned counsel for the petitioner submits that the day the impugned order was passed, the petitioner was supposed to produce one Gurdeep Singh as his witness whom he could not produce for the reason that Gurdeep Singh had met with an accident and suffered a fracture in his leg. This fact was brought to the notice of the Rent Controller. A medical certificate in that regard was also produced but without returning any finding on the issue the Rent Controller ordered closure of the petitioner's evidence.

Learned counsel for the respondent justified the passing of the impugned order by submitting that already adequate opportunities had been granted to the petitioner to lead his evidence but he had failed to avail them.

It is true that before ordering closure of his evidence the petitioner had already been granted adequate number of opportunities by the Rent Controller to lead his evidence and ordinarily no fault can be found with such an order.

However, in the case in hand, on 25.05.2017 the petitioner was permitted by the

Rent Controller to complete his evidence by producing Gurdeep Singh as his witness but on that day the petitioner could not produce Gurdeep Singh for the reason that he had suffered a fracture on account of having met with an accident. The factum of Gurdeep Singh having fractured his leg was brought to the notice of the Rent Controller and medical evidence in that regard was also produced. However, the Rent Controller without verifying and opining on the justification shown by the petitioner, especially when the above fact was not even denied by the respondent, ordered the closure of the petitioner's evidence after presuming that the petitioner was indulging in delaying tactics.

In view of the above, the impugned order cannot be sustained and is resultantly set aside.

The petitioner is granted one last opportunity to lead his entire evidence and by consent of learned counsel for the parties, the date for leading of the same is fixed as 04.08.2017. If that date is inconvenient to the Rent Controller, the time for doing the needful, for reasons to be recorded in writing, would be extended for a maximum period of one week. It is made clear that no further opportunity shall be granted. As the petitioner had earlier been granted adequate number of opportunities to lead his evidence, for the opportunity granted through the present order costs of Rs.30,000/- are assessed. Such costs have been paid by learned counsel for the petitioner to learned counsel for the respondent in the form of a bank draft drawn in favour of the respondent. The bank draft has been duly accepted.

The petition stands allowed in the above terms.

28.07.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No