

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CR No.4396 of 2017

Date of Decision:-10.07.2017

Satinderjit Singh.

.....Petitioner.

Versus

Gurpreet Singh.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Sukhandeep Singh, Advocate for the Petitioner.

JASWANT SINGH, J. (ORAL)

Petitioners/landlords, by filing the instant revision petition have challenged the order dated 12.04.2017 (P-3) passed by the learned Rent Controller, Amritsar whereby his evidence, in an ejectment petition filed by them under Section 13 of the East Punjab Urban Rent Restriction Act No.III of 1949, has been closed.

It is submitted by the learned counsel for the petitioner (landlord) that he has filed rent petition for eviction of the respondent (tenant) on the ground of non payment of rent and bonafide necessity, wherein three witnesses of the petitioner(landlord) stands examined and only the statement of the applicant/landlord remains to be recorded. It is conceded that sufficient opportunity had been granted for recording of the statement of the petitioner (landlord), however, due to his old age and coming from a different district, an inadvertent mistake was committed for not being present on the date when the evidence was closed. It is also conceded that on the previous date of hearing it was specifically ordered that in case the landlord was not present on date fixed for his evidence, the same would be closed. However, in view of the inadvertent mistake, mercy

plea is raised for grant of one more opportunity subject to payment of appropriate costs.

After hearing the learned counsel, I deem it just and expedient in the interest of justice to grant one last opportunity to the petitioner to conclude his entire evidence on the next date or on a date to be fixed by the learned Rent Controller, Amritsar, since it is well settled principle of law that rules of procedure are handmaids of justice meant to serve the cause of justice and not to impede the same.

Accordingly, present revision petition is allowed. The impugned order dated 12.04.2017 (Annexure P-3) passed by the learned Rent Controller, Amritsar closing the evidence of the petitioner is set aside and the petitioner is granted one last opportunity to lead his entire evidence at his own risk and responsibility either on the next date or on a date to be fixed by the learned Rent Controller. This, shall, however, be subject to payment of costs of Rs.3000/- payable by way of Demand Draft to tenant-respondent (tenant) Gurpreet Singh. The payment of costs shall be a condition precedent for affording one last opportunity to the petitioner.

This order is being passed without issuing notice to the respondent as it would result in unnecessary delay and entail expenditure on his part. Moreover, the tenant is being compensated by way of costs.

(JASWANT SINGH)
JUDGE

July 10, 2017
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No