

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

Sr. No. 112

CR-4836-2017 (O&M)

Decided on : 31.08.2017

Atul

..... Petitioner

VERSUS

Kanwarvir Singh Sibia

..... Respondent

CORAM:    HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:    Mr.J.S.Lalli, Advocate, for the petitioner.

Mr.R.S.Guron, Advocate, for the respondent.

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DEEPAK SIBAL, J. (ORAL)

Through the present petition challenge is made to the order dated 07.07.2017, passed by the Rent Controller, Chandigarh through which the petitioner's evidence has been closed.

Learned counsel for the petitioner-tenant submits that before the impugned order closing the petitioner's evidence was passed only part examination of DW-2 and DW-2 remained. Since DW-2 and DW-3 were official witnesses the petitioner could not bring them to Court on his own and therefore to secure their presence, on 06.07.2017 an application had been filed by the petitioner before the Rent Controller but without passing of any speaking order thereupon the Rent Controller only after assessment of diet money passed the impugned order closing the petitioner's evidence.

Learned counsel for the respondent-landlord does not dispute the above submissions on facts. However, with a view to prevent further delay in the matter as also in line with the principles of the natural justice, he submits that he has no objection if the petitioner is granted one effective opportunity to lead his entire evidence.

After considering the above submissions made on behalf of the

petitioner as also the respondent, I am of the opinion that the interest of justice would be served if one effective opportunity is granted to the petitioner to lead his entire evidence on the next date fixed before the Rent Controller, Chandigarh which is stated to be 13.09.2017.

Learned counsel for the petitioner is directed to take steps well in time for passing of appropriate orders by the Rent Controller to secure the presence of the aforesaid witnesses DW-2 and DW-3 on 13.09.2017.

The above directions are subject to costs to be paid by the petitioner to the respondent which are assessed @ Rs.15,000/-.

The petition stands allowed in the above terms.

31.08.2017  
shamsher

[ DEEPAK SIBAL ]  
JUDGE

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