

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

**Civil Revision No.8531 of 2016
Decided on : 27.01.2017**

Harbans Singh (since deceased) through his legal heirs

... Petitioners

Versus

Harcharan Singh and others

... Respondents

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

Present : Mr. Sunny Saggar, Advocate
for the petitioners.

Mr. Vaibhav Sehgal, Advocate
for the respondents.

G.S. Sandhawalia, J. (Oral)

The tenants challenge the order dated 08.12.2016 (Annexure P-3) passed by the Rent Controller, Ludhiana whereby their evidence was closed by order and the case was fixed for leading rebuttal evidence if any or in the alternative for final arguments.

The reasoning which prevailed with the Rent Controller was that the landlord's evidence was closed in the year 1999 and an application had been filed by the tenants which was dismissed in the year 2002 and had been challenged before this Court in civil revision which was eventually dismissed on 11.03.2015. The proceedings, thereafter, had been reopened and last opportunity had been granted to the tenant to conclude his evidence on the previous date also. On account of the order passed on 07.12.2016 in ***Civil Revision No.8250 of 2016***, whereby the matter was sought to be referred to Mediation and Conciliation Centre by the tenants in this Court, the tenants wanted to take further adjournments, therefore, the impugned

order was passed.

Vide order of even date passed in ***Civil Revision No.8250 of 2016***, the said revision petition stands dismissed, in view of the fact that there is no consent of the landlords for referring the matter to Mediation and Conciliation Centre.

Accordingly, keeping in view the fact that, since this Court had issued notice on 07.12.2016 in ***Civil Revision No.8250 of 2016*** (Annexure P-1) in the Rent Controller could have waited for decision in the said civil revision before passing the impugned order, depriving the tenant to lead his evidence. The history has already been noticed of the case even by this Court in ***Civil Revision No.8250 of 2016***.

In such circumstances, this Court is of the opinion that considerable delay has been taken place but the Rent Controller should have stayed his hands and should not have taken the penultimate step. Resultantly, keeping in view the fact that decks have now been cleared for the proceedings to go ahead, the revision petition is allowed. The impugned order dated 08.12.2016 (Annexure P-3) is set aside subject to the condition that on the next date the tenants will complete all their evidence.

The parties are directed to appear before the Rent Controller on 20.02.2017.

JANUARY 27, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No