

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

CR No.8550 of 2017(O&M)

Date of Decision:-06.12.2017

Mrs. Rojy @ Rozi.

.....Petitioner.

Versus

Yogesh Kumar.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vaibhav Narang, Advocate for Petitioner (landlady).

JASWANT SINGH, J.(ORAL)

Petitioner (landlady) is in revision directed against the order dated 01.08.2017 (P-2) passed by the Rent Controller, Amritsar whereby the evidence of the petitioner was closed by order; as also the order dated 01.11.2017 passed by the Rent Controller, Amritsar whereby the application of the petitioner (landlady) under Order 18 Rule 17 CPC for leading additional evidence in the shape of report of Civil Engineer was also dismissed.

Learned Counsel for the petitioner has argued that earlier Counsel for the landlady had not properly informed the landlady about the procedure to be followed and, therefore, for the negligence of the counsel, the case of the landlady who is still to offer herself for cross examination should not be made to suffer.

After hearing learned Counsel for the petitioner, no case for

interference is made out.

It is not in dispute that the landlady has filed the eviction petition on 5.9.2013 seeking eviction of the respondent (tenant) on the ground of non payment of rent, personal necessity and building being unfit and unsafe for human habitation. The issues were framed on 01.12.2014 and thereafter the landlady had concededly availed 29 effective opportunities but failed to conclude her evidence. In such circumstances, the Rent Controller was constrained to close the evidence of the landlady by order. As regards application for additional evidence for accepting inspection report of the Civil Engineer, it is also not disputed that the permission to the Civil Engineer-witness of the landlady to inspect the premises and submit a report was granted on 14.12.2016, however, no efforts were made to visit the site and submit the inspection report by the witness of the landlady. Therefore, in the light of the evidence having been closed by order itself on the previous date the learned Rent Controller has rightly declined the application Under Order 18 Rule 17 CPC.

In view of the above, finding no merit in the present revision petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

December 06, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>