

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

CR No.1106 of 2018(O&M)

Decided on: 18.09.2018.

Shree atma Nand Jain Sabha

.....Petitioner

Versus

Dali Ram and others

.....Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Imran Farooqi, Advocate
for the petitioner.

LISA GILL, J. (Oral)

Prayer in this revision petition is for issuance of a direction to the learned Rent Controller, Malerkotla, for expeditious and speedy disposal of the rent petition no. 834 of 2016, titled as 'Shree Atma Nand Jain Sabha Vs. Dali Ram and others'.

Certified copies of the interim orders passed by the learned Rent Controller, Malerkotla, furnished in Court today are taken on record subject to just exceptions.

Petitioner has filed the abovesaid rent petition under Section 13 of the East Punjab Urban Rent Restriction Act for eviction of the respondents from the shop in dispute of which he claims to be the owner.

Learned counsel for the petitioner vehemently argues that the building in question has been rendered unfit and unsafe for human habitation. The respondent-tenants are intentionally delaying the

proceedings before the learned Rent Controller on vague, incorrect and false grounds. It is thus prayed that the rent petition filed by the petitioner be disposed of in a time bound manner.

I have heard learned counsel for the petitioner and have gone through the file as well as the interim orders passed by the learned Rent Controller, filed in Court today.

Issues in this case were framed on 17.05.2017. Thereafter, an application for appointment of local commissioner was filed by the petitioner, which was dismissed by the learned Rent Controller, Malerkotla on 19.09.2017 and the matter was fixed for 09.10.2017. In the meanwhile, an application was filed by the petitioner for appointment of E.R. NK Gupta, Engineer, Sangrur, as a building expert to inspect the building in dispute. The said application was partly allowed vide order dated 16.11.2017 and the matter was adjourned to 12.01.2018 for recording of evidence of the petitioner. There was a change of counsel on behalf of the petitioner and an adjournment was sought by the subsequent counsel for the petitioner on 12.01.2018. The matter was again adjourned on the petitioner's request to 19.03.2018 for recording of evidence of the petitioner. No evidence was led by the petitioner on 19.03.2018 and the matter was thereafter adjourned for as many as three times. However, a perusal of the interim orders reveals that no witness of the petitioner was present. Adjournments were sought by the petitioner. Despite availing last opportunity thrice, petitioner did not conclude his evidence.

Keeping in view the factual matrix of the case, the present petition is clearly misconceived and misplaced. By no stretch of

imagination can it be said that the respondent-tenants are responsible for the delay, if any, in the proceedings before the learned Rent Controller.

I do not find any ground whatsoever for issuance of any directions as prayed for in exercise of revisional jurisdiction.

Petition is accordingly dismissed.

September 18, 2018

s.khan

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No