

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

**C. R No. 2457 of 2018
Date of decision : 19.04.2018**

Deepak KumarPetitioner
versus

Surinder Kaur ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Anoop Singla, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 05.03.2018 passed by learned Rent Controller, Jalandhar whereby the application of the petitioner for grant of permission to lead the evidence has been dismissed.

A bare perusal of the impugned order shows that after framing of charges on 04.11.2015, the respondent tendered her affidavit in her examination in chief on 10.02.2016 but she did not turn up for cross examination and her evidence was closed by order of the Court vide order dated 18.05.2016. The case was then fixed for the petitioner's evidence but the respondent filed an application for recalling of order dated 18.05.2016 and 04.07.2016 and the same was dismissed on 24.01.2017 but she preferred a revision against the above said order. In the meantime, on 27.03.2017, petitioner had given statement and closed his evidence without leading evidence, as he was not in knowledge about challenging of order dated 18.05.2016 and 10.01.2017. Vide order dated 03.11.2017, the respondent was given one opportunity to conclude her evidence.

Since the circumstance and position of the case is changed due to the opportunity given to the respondent-landlord vide order dated 03.11.2017, order dated 05.03.2018 passed by learned Rent Controller, Jalandhar is hereby set aside and the instant revision petition is ***allowed*** and the trial Court is directed to give two effective opportunities to the petitioner to lead the evidence, subject to deposit of cost of Rs.3000/- before District State Legal Services Authority, Jalandhar.

19.04.2018

G.Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No