

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CR No.3306 of 2017 (O&M)
Date of Decision : 22.05.2018

Harish Kumar Ahuja

..... Petitioner

Versus

Mahinder Pal

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. D.S.Malwai, Advocate for
Mr. K.B.Raheja, Advocate
for the petitioner.

Mr. Sandeep Jasuja, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This petition has been filed against the order of the Rent Controller, Abohar closing the evidence of the petitioner.

Alongwith the petition the petitioner has filed document (Annexure P-2) showing the names and addresses of the four witnesses who he wants to summon. However, today learned counsel for the petitioner is not in a position to deny that these four witnesses would have no relevance to the case. The first two are some earlier tenants of the landlord whose shops were previously got vacated. As per learned counsel for the petitioner the purpose of summoning these two witnesses is to show that the landlord had forcibly got those premises evicted. He further states that otherwise the

landlord has accepted that he had got these two shops vacated earlier. If that is so then the issue of whether the landlord got them vacated in a fair manner or in an unfair manner would recede into the background. What the tenant is at liberty to argue is that once those two shops were got vacated there was no need for the present shop. The other two witnesses who are being sought to be summoned are from the University/College of the daughter-in-law of the respondent (for whose dental practice the shop is stated to be required). Again I find that the daughter-in-law has accepted in her cross-examination that she is pursuing the course of BDS. Once she has admitted that even on the date of giving testimony she was pursuing the course and had not completed it there would be no requirement to summon witnesses from the University or College to prove that she is not yet a qualified doctor. Apart therefrom, I also find that in all eight opportunities for leading evidence was granted to the petitioner and the present petition itself has remained pending for more than one year.

In the circumstances, I deem it appropriate to grant one more effective opportunity to the petitioner to lead his entire evidence at his own responsibility.

Learned counsel have informed the Court that the case is now fixed for 12.07.2018. The petitioner may bring whatever evidence he wants at his own responsibility on that date and if necessary *dasti* summons be given to the petitioner.

Petition stands disposed of with the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

22.05.2018
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No