

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

**CR-5086-2018 (O&M)
Date of Decision: 27.08.2018**

Surinder Sharma	Versus	... Petitioner
Neetu Gupta		... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Kanwaljeet Singh, Advocate for the petitioner.

Mr. Gurcharan Dass, Advocate for the respondent.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

CM-17887-CII-2018:

Application is allowed as prayed for. The accompanying documents at Annexures R-1 and R-2 are taken on record.

A complete copy thereof stands furnished to counsel opposite.

Application is disposed of.

Main case:

Surinder Sharma-tenant has filed the instant revision petition assailing the order dated 23.07.2018 (Annexure P-3) passed by the Rent Controller, Ludhiana and in terms of which evidence of the tenant has been closed by order.

Counsel for the parties have been heard at length and the pleadings on record have been perused.

With the able assistance of the counsel representing the parties, this Court has perused the zimni orders/proceedings before the Rent Controller and the same have been extracted in para 7 of the petition.

The zimni orders/proceedings before the Rent Controller clearly reveal that the tenant/petitioner has been remiss and in spite of

repeated opportunities having been availed of, evidence was not led.

On the previous date of hearing i.e. on 08.08.2018, this Court was prima facie of the view that one effective opportunity be granted to the tenant to lead evidence subject to imposition of cost.

During the course of arguments, Mr. Gurcharan Dass, learned counsel representing the respondent/landlord has adverted to the deposition of Surinder Sharma in cross examination while appearing as RW1 and has substantiated that such deposition is in clear contradiction to the averments made in para 12 of the instant revision petition wherein a case was sought to be projected as regards producing of oral evidence in the shape of testimony of RW Gagandeep Sharma and Dalip Kumar Sharma. Averments made in para 12 of the revision petition would suggest a complete somersault to the deposition recorded of the tenant Surinder Sharma as RW1 (appended as Annexure R-2 along with CM-17887-CII-2018).

This Court is constrained to observe that the instant petition is not bona fide.

Even otherwise, the impugned order dated 23.07.2018 (Annexure P-3) passed by the Rent Controller, Ludhiana does not suffer from any patent infirmity or illegality.

I do not find any basis that would warrant interference in the matter by this Court in exercise of its revisional jurisdiction.

Petition is dismissed.

27.08.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |