

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

782

CR No. 7623 of 2009 (O&M)**Date of Decision: August 01, 2018**

Rajesh Kumar Lamba

...Petitioner

Versus

Kuldeep Singh

...Respondent

CORAM:-HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ashok Khubbar, Advocate
for the petitioner.

None for the respondent.

ANIL KSHETARPAL, J. (Oral)

[1] Petitioner-landlord is in the revision petition against dismissal of petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, seeking eviction of the respondent due to the non-payment of the arrears. On reading the order, it is apparent that the eviction petition was dismissed on the ground that no evidence has been led. It has been pointed out by learned counsel for the petitioner-landlord that petitioner-landlord had filed his own affidavit in lieu of examination-in-chief on 18.04.2006. However, on 20.11.2007 petitioner could not appear for cross-examination and therefore, learned Court ordered closure of the evidence and dismissed the petition. First appeal filed before the Appellate Authority was also dismissed.

[2] Learned counsel for the petitioner has submitted that petitioner who is landlord has not gained anything by delaying the proceedings. He has submitted that there were certain circumstances due to which petitioner

could not appear for cross-examination.

[3] Keeping in view the fact that tenant is already in possession and has continued as such and petitioner has not gained any benefit by delaying the disposal of this petition, this Court is of the view that petitioner deserves to be granted another opportunity to appear in the witness-box to take cross-examination.

[4] Keeping in view the aforesaid facts, orders under challenge are set aside. Petitioner would be permitted to lead his evidence. Petitioner would be granted two opportunities and thereafter, Rent Controller would proceed further in the case. This opportunity shall be subject to payment of cost of ₹5,000/-.

[5] Parties through their counsel are directed to appear before the Rent Controller on 20.08.2018.

Petition disposed of.

(ANIL KSHETARPAL)
JUDGE

August 01, 2018
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No