

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

**CR No.6209 of 2018 (O&M)
Date of Decision:17.09.2018**

Surajbhan (deceased) through his LRs

...Petitioner(s)

Versus

Pardeep Kumar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.S.K.Yadav, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner is in the revision petition against the order passed by the learned Rent Controller, dismissing his application for permission to lead additional evidence in order to produce the report of a private building expert.

The learned Rent Controller has noticed that a local commissioner appointed by the court has already visited the site and submitted a report. It has further been noticed that the tenant had availed more than 11 opportunities to lead evidence but did not bother to examine the expert.

Learned counsel for the petitioner pointed out that the expert hired by the petitioner examined the building only on 11.5.2018 after closure of the evidence by the court.

In the considered view of this Court, if a tenant wishes to produce the evidence, he has to produce the same within the time granted to him. In the present case, once the tenant has already granted more than 11

opportunities, he could have examined the expert within 11 opportunities granted to him to lead his evidence.

The tenant cannot be permitted to lead additional evidence only on the ground that the private building expert engaged by him had examined the shop in question after closure of evidence. The eviction has been sought on the ground of building being unfit and unsafe. So from very inception of the proceedings, the tenant was in the knowledge of the fact that he was to prove that the building is fit for human habitation. In view thereof, the application of the additional evidence filed by the tenant is only an effort to delay the proceedings.

The present revision petition is dismissed. Pending application(s), if any, shall also stand disposed of, in terms thereof.

17.09.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No