

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

Civil Revision No. 6437 of 2018 (O&M)

Date of decision: 25.09.2018

Raj Kumar

.. Petitioner

vs.

Seema Malhan and another

.. Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Om Pal Sharma, Advocate
for the petitioner.

Harinder Singh Sidhu, J.

The petitioner-tenant has filed the present revision petition impugning the orders of the learned trial Court dated 26.07.2018 (Annexure P-7) whereby the evidence of the petitioner has been closed by order and dated 20.08.2018 (Annexure P-9) whereby the application for re-calling the earlier order has been dismissed.

The petitioner is a tenant in the property in dispute. Earlier learned trial Court vide order dated 10.01.2018 closed the evidence of the petitioner as he failed to conclude his evidence despite availing numerous opportunities. He assailed the trial Court order by filing CR No. 1460 of 2018, which was allowed vide order dated 20.03.2018. One opportunity to the petitioner to conclude his entire evidence at own responsibility was granted subject to payment of Rs.10,000/- as costs, to be deposited with the Mediation and Conciliation Centre of this Court. It was specifically made clear that in the event, the petitioner failed to conclude his evidence on the date given by the Rent Controller, his evidence would be deemed as closed without giving further opportunity.

In terms of the order passed by this Court, Raj Kumar (petitioner herein) RW-3 tendered his affidavit in examination-in-chief on 14.05.2018 and the case was adjourned to 02.07.2018 for cross-examination of RW-3. On that very day an application under Order 1 Rule 10 filed by Balbir Kaur was taken and reply thereto was to be filed by 2.7.2018. This application was disposed of on 16.7.2018. On that very date, RW-3 was asked to appear for his cross-examination on the next date i.e.23.07.2018. On 23.07.2018 RW-3 was not present and the case was adjourned to 24.07.2018 for cross-examination of RWs. On 24.07.2018 the District Bar Association Ludhiana observed no work day and the case was adjourned to 26.07.2018 for cross-examination of RWs. It is recorded in the impugned order that on 26.07.2018 only RW Balwinder Kaur came for her cross-examination. No other RW was present. Finding no justification to grant any further opportunity to the petitioner herein, his evidence was closed by order. However, at 4.30 PM after Court hours, an application was moved by the petitioner herein seeking adjournment and exemption of witnesses RW-2 and RW-3 which was disposed of having become infructuous.

The petitioner filed an application for re-calling the order dated 26.07.2018 which was also dismissed. While dismissing the application, learned Rent Controller, Ludhiana noted that this Court in its order dated 20.03.2018 in the Civil Revision No. 1460 of 2018 had granted only one opportunity to the petitioner herein to lead entire evidence subject to payment of Rs.10,000/-. Whereas the petitioner has not appeared for cross-examination despite being given more than one opportunity.

There is no infirmity in the impugned orders.

Accordingly, there is no merit in the revision petition and the same is dismissed.

25.09.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No