

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

**CR-6490-2018 (O&M)
Date of Decision:11.10.2018**

Kusam Lata

... Petitioner

Versus

Naresh Kumar & another

... Respondents

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

Present:- Mr. L.M. Gulati, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

The instant revision petition has been filed assailing the order dated 26.07.2018 (Annexure P-1) passed by the learned Civil Judge (Junior Division) Amritsar, whereby evidence of the petitioner has been closed by order.

Counsel for the petitioner has been heard.

Briefly, it may be noticed that the petitioner filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking eviction of the tenants/respondents herein from the demised premises.

Perusal of the impugned order dated 26.07.2018 reveals that evidence of the petitioner has been closed by observing that sufficient opportunities have already been availed for concluding evidence and that the case fell under the Smadhan Scheme.

Even though, no patent infirmity is found in the impugned order, yet for a just decision in the matter, it would be appropriate to afford to the petitioner/landlord one last/effective opportunity to conclude evidence.

Contention made by Mr. L.M. Gulati, learned counsel representing the petitioner/landlord is recorded to the effect that only one witness i.e. the Registry Clerk is to be examined and such evidence would be concluded in the eventuality of one date being afforded for such purpose.

In view of such limited prayer and submission, I deem it appropriate to dispose of the instant petition without even issuing notice to the tenants/respondents herein so as to avoid any further delay in the matter as also not to burden the respondents with litigation expenses.

The impugned order dated 26.07.2018 is set aside. Directions are issued for one effective opportunity/date to be fixed so as to enable the petitioner to conclude her evidence in terms of recording the deposition of the Registry Clerk concerned.

It has been made clear that no further opportunity for such purpose would be afforded.

Prayer of the petitioner in the afore said terms is being allowed subject to deposit of Rs.10,000/- as costs before the Rent Controller to be made over to the respondents herein.

Disposed of.

11.10.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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