

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

**Civil Revision No.841 of 2018 (O&M)
Date of Decision: March 23, 2018.**

Nand Kishore

.....PETITIONER(s).

VERSUS

Mahesh Gupta and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Shashi Kumar Yadav, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Learned counsel for revision petitioner submits that he has not to give in writing the relevance of the witnesses sought to be examined in additional evidence as per order dated 12.03.2018 as he has explained their relevancy in his application, which is already on record as Annexure P3.

This is revision against the order dated 20.01.2018, whereby application of the revision petitioner for permission to lead additional evidence, was declined.

Learned counsel for the revision petitioner argues that the revision petitioner had produced on record certain documents which were objected by the counsel for the petitioner. The dispute in this case is with regard to execution of the rent agreement dated 26.07.2013. Petitioner has denied that he has not executed this document as he was not in Faridabad on that day. His wife was admitted in a hospital at Rohtak on 25.07.2013 and

he was taking care of his wife. To prove this fact, he wants to examine concerned doctor, who treated his wife, proprietor of Radha Swami Medical Hall, Rohtak from where he purchased medicines, clerk/record-keeper of United India Insurance Company where the bills of treatment of his wife were submitted and Parveen Kumar, his driver, who had taken him to Rohtak. He produced affidavit of Parveen Kumar and the medical record on file but could not prove the same and now, he intends to lead the evidence to prove these documents. In case, the opportunity is not afforded to the revision petitioner, he will be seriously prejudiced.

Learned Rent Controller has observed that revision petitioner was provided 13 effectively opportunities to conclude his evidence. He had closed his oral evidence on 29.09.2017 and sought adjournment to produced documentary evidence. As he did not conclude his evidence, the same was closed by order dated 16.12.2017. From the copy of the order placed on file Annexure P-5, I find that ejectment petition under Section 13 of Haryana Urban (Control of Rent and Eviction) Act, 1973 was filed in March, 2014. It was at the stage of rebuttal evidence that the revision petitioner moved this application. Learned Rent Controller has taken note of the fact that revision petitioner has not come up with any explanation as to why he did not examine these witnesses earlier. The revision petitioner was very well aware of the controversy involved in this case. 13 effective opportunities are more than sufficient for any party to a suit or petition to conclude its evidence.

Taking note of all the facts and circumstances, I agree with learned Rent Controller that attempt being made by the revision petitioner is

only to delay the disposal of the ejectment petition. I find no legal or factual infirmity in the order passed by the Rent Controller, calling for any interference.

This revision petition has no merits. Dismissed.

March 23, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***