

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

CR No. 4806 of 2019 (O&M)
Date of decision: 30.9.2019

Guriqbal Singh Sandhera

...Petitioner

Versus

Ashwani Kumar Diwan and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R.S. Bassi, Advocate,
for the petitioner.

Mr. Divanshu Jain, Advocate,
for the respondent/Caveator.

JAISHREE THAKUR, J. (Oral)

This is a revision that has been filed under Article 227 of the Constitution of India for setting aside the order dated 10.7.2019 passed by the Rent Controller, Chandigarh, whereby the evidence of the petitioner has been closed by order.

Learned counsel for the petitioner/tenant submits that the Rent Controller has erred in closing the petitioner's evidence as he was not available in India at that time and had gone to England to take care of his ailing mother. Further on account of the fact that the Cricket World Cup was going on, the petitioner could not come back within the scheduled time as tickets were not easily available. He pleads that one more opportunity be given to the petitioner to conclude his evidence on the date already fixed

before the Rent Controller.

Learned counsel appearing on behalf of the respondent/caveator vehemently opposes the grant of one more opportunity. He argues that the conduct of the petitioner is such that no further time should be allowed to him and the Rent Controller has rightly closed his evidence by order. He further argues that the zimni orders placed on the record would reflect that before the impugned order was passed, the petitioner/tenant had already availed seven opportunities, while stating that the excuse of not coming back India in time does not stand the scrutiny as the Cricket World Cup had commenced on 30.5.2019 and concluded on 14.7.2019 and the impugned order was passed on 10.7.2019. It is also argued that after filing of the instant revision petition in this Court, the petitioner had been getting the matter adjourned before the Rent Controller on the ground that the matter is pending in this Court.

I have heard learned counsel for both the parties and have perused the zimni orders placed on the record by the learned counsel for the respondent.

No doubt several opportunities have been availed of by the petitioner herein, however, in order to do substantial justice between the parties, one more opportunity is allowed to the petitioner to conclude his evidence on 9.10.2019, the date already fixed before the Rent Controller. However, this opportunity is subject to payment of ₹20,000/- as costs to be paid to the respondent prior to leading the evidence. It is made clear that the evidence would be produced by the petitioner before the Rent Controller at

his own risk and responsibility.

The revision petition stands disposed of.

30.9.2019

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No