

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-6474-2019 (O&M)

Date of decision: 17.10.2019

Shiv Kumar

...Petitioner

Versus

Rajesh Trikha and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. K.K. Bhullar, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

1. This is a petition that has been filed seeking to challenge the order dated 02.09.2019 whereby evidence of the petitioner, who is arrayed as respondent No.1 before the Rent Controller, Gurdaspur, has been closed. Aggrieved, the instant petition has been filed.

2. Learned counsel appearing on behalf of the petitioner-respondent No.1 submits that adequate opportunity has not been allowed to the petitioner herein to complete the evidence.

3. It is contended that it is the landlord who had filed an application under Order 6 Rule 17 CPC for amendment of the ejectment application to which a reply had been filed and, therefore, no delay could be

attributed to the petitioner herein. It is also submitted that the day the evidence was closed, the petitioner was presented as his own witness and he was examined-in-chief. The petitioner had presented himself for examination but his examination was deferred by the counsel for the landlord and on that very day the evidence was closed.

4. Counsel appearing on behalf of the petitioner prays for two effective opportunities to adduce the evidence for examining Mr. Brij Lal son of Ditto Ram R/o Chaddian Wali Gali, Dinanagar Tehsil and District Gurdaspur, Punjab while seeking permission to tender into evidence copy of the site plan drawn by the Draftsman who had visited the spot and as well as to examine the Draftsman himself and to place on record the copy of the order dated 25.05.1995.

5. I have heard learned counsel for the petitioner and find adequate opportunity ought to have been allowed to the petitioner. The rules of natural justice require the same as there is nothing on the record to reflect that the petitioner is unnecessarily seeking adjournment. The instant revision petition is being disposed of allowing the petitioner herein two more effective opportunities to adduce the evidence i.e. Mr. Brij Lal son of Ditto Ram R/o Chaddian Wali Gali, Dinanagar Tehsil and District Gurdaspur, Punjab and to tender into evidence copy of the site plan drawn by the Draftsman who had visited the spot as well as to examine the Draftsman himself and to place on record the copy of the order dated 25.05.1995. However, the witnesses will be produced at the own risk and responsibility of the petitioner herein subject to deposit of costs of ₹3,000/-

with the Punjab State Legal Services Authority. In case, the costs are not deposited and evidence is not adduced, the Rent Controller would be at liberty to proceed with the matter.

17.10.2019

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.