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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Revision No.6901 of 2019

Date of Decision: 01.11.2019

Saroop Singh and another

..... Petitioners

Versus

Madan Madhosh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Mohd. Salim, Advocate,
for the petitioners.

SUDIP AHLUWALIA, J. (ORAL)

1. Notice of motion.
2. Mr. Vibhor Bansal, Advocate, puts in appearance and accepts notice on behalf of respondent No.1/Caveator.
3. Ld. Counsel for respondent No.1/caveator draws attention of the Court to the previous *Civil Revision No.6243 of 2019* filed by the petitioners which was disposed off by this Court vide the order dated 30.09.2019 (Annexure P-3).
4. In Para No.8 of the said previous revision petition, it had been mentioned "*That the Ld. Trial Court has failed to consider that admittedly in the present case the petitioners has to deposit diet money for examining and summoning of 03 witnesses and the petitioners have already examined all witness and only 03 witnesses are remaining and the Ld. Trial Court has wrongly closed the evidence of the petitioners by order by mentioning that the petitioners want to deposit diet money for 03 witnesses.*"
5. From a plain reading of the above averment, there remains no

doubt that it was the positive case of the petitioners that all their witnesses excluding the 3 witnesses, who had to be summoned after deposit of diet money, had already been examined. As such, when the previous revision petition was allowed by this Court, the opportunity granted to the petitioners was for examination of only those 3 witnesses, who had to be summoned and for whom the diet money had to be deposited.

6. None of the said 3 witnesses appeared before the Trial Court on the scheduled date (16.10.2019), and prayer of the petitioners for fixing another date for their evidence was rightly rejected by the Ld. Rent Controller, Malerkotla. The petitioners, thereafter, sought to examine four other persons at the fag-end of the day, who were claimed to be present in the Court at that time. Such prayer was also rightly rejected by the Ld. Rent Controller since the liberty granted to the petitioners in the previous *Civil Revision No.6243 of 2019*, was only for their 3 witnesses whose attendance had to be secured after issuance and service of the summons at the own risk of the petitioners.

7. For the above reasons, there is no substantive merit in the present revision petition and the petitioners cannot be permitted to delay the matter for examining any fresh witnesses in respect of whom no liberty, at any earlier stage, was granted by this Court.

8. However, in view of the consent by Ld. Counsel for respondent No.1/Caveator, one final opportunity is granted to the petitioners to secure attendance of only the 3 witnesses, who remained to be examined, in the context of their earlier revision petition. It is made clear that the role of the Trial Court for this purpose would be only for issuing the summons under its authority, and service of the same upon the witnesses and securing

their presence before the Court shall be purely at the own risk of the petitioners considering the number of opportunities already obtained by them in the pending proceeding, further this time, the petitioner shall pay additional costs amounting to ₹7,000/- in favour of the respondents.

9. Ld. Court below is directed to adjourn its proceedings fixed for today/not pass any final order and give one last opportunity to the petitioners to secure attendance of the previously mentioned 3 witnesses purely at their own risk on any date convenient to the Ld. Court below, which shall, thereafter, endeavour to dispose off the eviction petition as expeditiously as possible and for which purpose an extension of six weeks apart from the time already fixed for that purpose is, hereby, granted.

10. Accordingly, the present Revision Petition stands disposed off.

01.11.2019

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No