

121

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

CR No.1438 of 2020 (O&M)

Date of decision: February 28, 2020

M/s Marwari Baker and Namkeen Shop and another

.....Petitioners

Versus

Ibrahim and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Shashank Vardaan Sharma, Advocate for the petitioners.

MAHABIR SINGH SINDHU, J

Present revision petition has been filed under Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949 (for short 'Act of 1949') for setting aside the impugned order dated 09.01.2020 passed by learned Rent Controller, Chandigarh, whereby, the evidence of the petitioners-tenants was closed.

It is contended on behalf of the petitioners that instead of closing their evidence, learned Rent Controller ought to have taken recourse to the coercive measure for summoning the three RWs, namely Ajay Verma, Sukhwinder Singh and Sunil Kumar on behalf of the tenants-petitioners and reliance is placed on the Single Bench judgment of this Court, reported as **Deepak Chadha** versus **Rupa Anand and another**, 2011 (1) PLR 378.

Heard learned counsel for the petitioners and perused the paper-book.

Learned counsel for the petitioners was encountered with the

maintainability of the present revision under sub-Section 5 of Section 15 of the Act of 1949 against the impugned order passed by the learned Rent Controller, whereby, their evidence was closed. On repeated asking, learned counsel for the petitioners is not able to satisfy the Court regarding the maintainability of the present revision against the closure of their evidence.

The judgement relied upon by the petitioners in **Deepak Chadha's case** would not be helpful for the simple reason as in that case, the evidence of plaintiff was closed by learned trial Court in a “civil suit” and that was challenged by filing a petition under Article 227 of the Constitution of India, which was allowed while taking into consideration the provisions of Order 16 Rule 10 of the CPC.

Since the learned counsel for the petitioners is not able to satisfy regarding the maintainability of the present revision, therefore, this Court has no option except to dismiss the same.

Ordered accordingly.

However, dismissal of the present revision would not be any bar to the petitioners for taking recourse to the remedy available under law.

(MAHABIR SINGH SINDHU)
JUDGE

February 28, 2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No