

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

CR No.1970 of 2020 (O&M)

Date of decision : December 02, 2020

M/s Darbar Sales (India) and another Petitioners

Versus

Kamaldeep Singh Sethi and others Respondents

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Namit Gautam, Advocate for the petitioners.

Mr. Vishal Sharma, Advocate for the respondents.

RAJBIR SEHRAWAT, J. (ORAL)

Petitioners herein, who are the respondents in the rent petition, are challenging the order dated 24.02.2020 passed by the Rent Controller, Ludhiana, whereby the evidence of the petitioners has been closed by the Court order and the case was fixed for rebuttal evidence.

Brief facts of this case are that the respondents herein had filed a rent petition for seeking eviction of the petitioners herein from a rented premises on the ground of personal necessity. The said petition was filed on 09.12.2016. Since then the case has been adjourned several times. Ultimately the evidence of the petitioners before the Rent Controller was closed by order of the Court and the evidence of the respondents in the rent petition was started. However, even after obtaining several opportunities,

the respondents in the rent petition did not complete the evidence. This compelled the trial Court to close their evidence by order of the Court.

It is submitted by the learned counsel for the petitioners that the petitioners have not taken much time to lead their evidence. In fact, on 14.12.2019 the trial Court had allowed the application filed by the petitioners for a direction to the respondents to produce the documents like PAN Card and the ITR. However, the respondents had not produced the said documents. The evidence of the petitioners could not have been led in absence of those documents. Hence the petitioners cannot be blamed for not leading their evidence. Hence the impugned order deserves to be set aside and the petitioners deserve to be granted appropriate opportunities for leading their evidence.

On the other hand, learned counsel for the respondents has submitted that the petitioners had already been granted several opportunities to lead their evidence. However, their entire intentions had been to delay the proceedings as much as they could. The rent petition which was filed way back in the year 2016 has not been decided even after more than four years. Qua the closure of the evidence, it is submitted by the learned counsel for the respondents that vide order dated 14.12.2019 the Trial Court had ordered the respondents to produce the original documents of ITRs and the PAN cards before the Court and only the copy of the same was to be supplied to the present petitioners. However, since the petitioner had intention to delay the proceedings, therefore, despite the fact that the respondents were having the documents ready, the counsel for the present petitioners did not come forward to accept the same. It is further submitted

that so far as the production of the documents is concerned, those were to be produced before the Court only. Therefore, the production of the documents by the respondents and issue of closure of evidence of the petitioners are two different matters. It is further submitted that after the order dated 14.12.2019 was passed by the Court, the petitioners did not produce any person as a witness on the next date of hearing i.e. on 31.01.2020. Therefore, the trial Court had adjourned the case for 24.02.2020 for producing the entire evidence of the petitioners/respondents in the rent petition, subject to payment of costs of ₹3,000/-. It was also specified that no further opportunity shall be granted. However, the petitioners herein neither paid the cost nor produced their witnesses. Hence the trial Court has rightly closed the evidence of the petitioners. Hence, it is prayed that the present petition be dismissed.

Having heard learned counsel for the parties and having perused the case file, this Court does not find any substance in the arguments of learned counsel for the petitioners. Undisputedly, the rent petition, which is pending before the Rent Controller was filed way back in the year 2016. However, the same could not be decided even till today. The paper book also shows that the evidence of the petitioners in the rent petition was also closed by the order of the Court vide order dated 06.03.2019. Thereafter, the evidence of the present petitioners/ respondents in the rent petition was started. The petitioners herein had been granted five effective opportunities for leading their entire evidence; including the last opportunity. However, even after being granted last opportunity, the petitioners herein did not produce any witness and again sought

adjournment. As has been pointed out by the learned counsel for the respondents herein; even the cost had not been paid by the petitioners. Therefore, the trial Court has rightly closed the evidence of the petitioners.

Although, the learned counsel for the petitioners has submitted that after being ordered vide order dated 14.12.2019 the respondents had not produced the documents as per the order of the trial Court, however, even this argument of the learned counsel for the petitioners is to be noted only to be rejected. First of all the trial Court required production of the documents before the trial Court in original, therefore, irrespective of the fact whether these documents were produced before that Court or not, it was for the petitioners to continue leading their positive evidence. In any case, even if the respondents had not produced the documents before the trial Court as per the Court order, that would have been a subject matter of inference to be drawn by the trial Court. That by no mean extended the opportunity for the petitioners not to lead their remaining evidence. Moreover, the orders on the file show that while granting last opportunity, the trial Court had made the situation quite clear that no further adjournment shall be granted and even the cost was imposed for that adjournment. However, neither the cost was paid by the petitioners nor any evidence was led on the next date. Instead again a request was made for adjournment. This conduct of the petitioners shows only one thing that their entire effort had been to delay the decision of the rent petition. It had not been the case of the petitioners even on the last date before the trial Court that they had some specific evidence to produce. They had remained unspecific and ambiguous qua the evidence to be led on file. Therefore, the trial Court has not committed any illegality or

irregularity in recording that no justifiable ground had been put forward by the petitioners herein for granting an opportunity to them.

In view of the above, finding no merits in the present petition, the same is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

December 02, 2020

sarita	
Whether speaking / reasoned	Yes
Whether Reportable:	No