

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

Civil Revision No. 444 of 2021

DATE OF DECISION :- November 24, 2021

Ved Parkash

...Petitioner

Versus

Harmander Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Dr. Anand K. Bishnoi, Advocate for the petitioner.

Mr. Kanwar Abhey Singh, Advocate for respondent No. 1.

In an ejectment petition filed by petitioner landlord Ved Parkash against respondent tenant Harmander Singh seeking ejectment of the latter from demised premises situated at Nirmal Market, Ludhiana, on notice, the respondent had put in appearance and contested the rent petition. After framing of issues petitioners led evidence. In the meanwhile, talks for compromise also began which didn't prove to be fruitful. Petitioner had not led any evidence despite availing of several opportunities, as such the Rent Controller vide impugned order closed the evidence of the petitioners leaving them aggrieved and they have filed the present civil revision petition praying that the impugned order be set aside and they be granted opportunity to lead evidence. The revision petition is being opposed by the respondent-tenant.

I have heard learned counsel for the petitioner besides going through the record.

It is always desirable to decide a lis on merits rather than non-suiting the litigant on technical grounds. Although the petitioners come out to

have some lethargic approach in not bringing evidence to the Court despite availing of several opportunities but at the same time it is to be kept in mind that talks for compromise were going on between the parties and an extraordinary situation had arisen on account of outbreak of Covid-19.

In my considered view, it would be proper and appropriate if one opportunity is given to the petitioners to produce their evidence. The respondent can be adequately compensated in terms of cost. Accordingly, the petition is accepted, the impugned order is set aside and petitioners are granted one effective opportunity to conclude their entire evidence on the date fixed by the Rent Controller. It would be the responsibility of the petitioners to bring their entire evidence before the Rent Controller on that date and they would not be entitled to take further adjournment. They are burdened with Rs.15,000/- as cost which be paid to the respondent in the Court before evidence of the petitioners is recorded. It is stated that the next date of hearing before the Rent Controller is 23.12.2021 for awaiting orders passed by this Court. The parties through their counsel are directed to appear before Rent Controller on that date and on petitioners paying a sum of Rs.15,000/- to the respondent/his counsel learned Rent Controller would fix a date for evidence of petitioners. With such observations the petition is allowed. A copy of order be sent through District and Sessions Judge,, Ludhiana to the Court concerned.

(H.S. MADAAN)
JUDGE

November 24, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No